

the submission time but didn't and now nearly the end of the "satisfactory" information period they are now requesting information they didn't believe was important at the appropriate time frame at the start of the assessment. I would have thought a detailed checklist would have been a standard part of the processing format.

I was told not to contact the DPIE as it could hinder the "process" and the DPIE manager wouldn't like it and one landowner did contact the DPIE and was abruptly dismissed but the opposition have continually contacted the DPIE project manager and gained a large amount of information which I think should be made public for everyone.

Our local council Director of Planning said in his own words at the February 2020 council meeting that he "deliberately wrote a negative report" and some Councillors were very active in providing information to the opposition spokespeople (some of them are also council staff members)

I believe that no Local Government Council should be a decision maker in a SSD due to potential conflicts of interest and wearing many hats within the community.

I also believe that the submission received have to be limited to the local area if the current level of 50 negative submissions are needed to go to the IPC or negative submissions increased to 100 if left as the requirements are now. There are too many negative submissions coming from people or organisations living outside the area of concern even interstate.

I agree to the above statement

Yes

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) |
|----------------|------------------------|-------------------------|---------------------------------------|-------------------|--|--|
| <i>example</i> | <i>Practice Note 1</i> | <i>Scalability</i> | <i>support as is</i> | <i>4 & 10</i> | <i>support approach that is scalable recognising there are small and large state significant projects which require different levels of assessment</i> | <i>Nil</i> |
| 1 | SIA Guideline | Other - please describe | oppose (explaining objective/reasons) | | local councils should decide planning not state govts. No more flats | local councils should decide planning not state govts. No more flats |
| 2 | Technical Supplement | Other - please describe | oppose (explaining objective/reasons) | | local councils should decide planning not state govts. No more flats | local councils should decide planning not state govts. No more flats |
| 3 | Practice Note 1 | Other - please describe | oppose (explaining objective/reasons) | | local councils should decide planning not state govts. No more flats | local councils should decide planning not state govts. No more flats |
| 4 | Practice Note 2 | Other - please describe | oppose (explaining objective/reasons) | | local councils should decide planning not state govts. No more flats | local councils should decide planning not state govts. No more flats |
| 5 | Practice Note 3 | Other - please describe | oppose (explaining objective/reasons) | | local councils should decide planning not state govts. No more flats | local councils should decide planning not state govts. No more flats |
| 6 | Practice Note 4 | Other - please describe | oppose (explaining objective/reasons) | | local councils should decide planning not state govts. No more flats | local councils should decide planning not state govts. No more flats |
| 7 | Practice Note 5 | Other - please describe | oppose (explaining objective/reasons) | | local councils should decide planning not state govts. No more flats | local councils should decide planning not state govts. No more flats |
| | Practice Note 6 | Other - please describe | oppose (explaining objective/reasons) | | local councils should decide planning not state govts. No more flats | local councils should decide planning not state govts. No more flats |

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)

Microsoft Exchange Server;converted from html;

From: [REDACTED]

Sent on: Monday, November 9, 2020 9:08:44 PM

To: DPE CSE SIA Project Mailbox <SIA.Project@planning.nsw.gov.au>

Subject: FW: Webform submission from: Draft Social Impact Assessment Guideline

Attachments: siasubmissiontemplateformapprovedsept2020-(1.xlsx (22.55 KB)

From: noreply@feedback.planningportal.nsw.gov.au

<noreply@feedback.planningportal.nsw.gov.au>

Sent: Monday, 9 November 2020 6:05 PM

To: DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>

Subject: Webform submission from: Draft Social Impact Assessment Guideline

Submitted on Mon, 09/11/2020 - 18:03

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

[REDACTED]

Last name

[REDACTED]

I would like my submission to remain confidential

Yes

Info

Email

[REDACTED]

Suburb/Town & Postcode

Casula

Submission file

[siasubmissiontemplateformapprovedsept2020-\(1.xlsx\)](#)

Submission

your spreadsheet is far too small for anyone to read Deliberately so you do not get comments

I agree to the above statement

Yes

NSW Department of Planning, Industry and Environment Draft Social Impact Assessment Guidelines and Technical Supplement (the Guidelines). I refer to the above document on public exhibition. I wish to make the following comments.

1. The Guidelines contributes significantly to improving best practice social impact assessment (SIA) for State significant projects. SIA is an integral part of a broader environmental impact process to ensure that environmental considerations are clearly addressed and taken into account in the decision-making process to highlight, avoid or minimise the adverse effects of development proposals.
2. The Guidelines are restricted to State Significant Projects and should be extended in a relevant modification to all major projects such as State Significant Infrastructure whether assessed by the relevant government department(DPIE), Minister or Minister's delegate.
3. The Guidelines should be a mandatory requirement for developers of all projects for assessment and approval by environmental decision-makers.
4. The Guidelines should be incorporated into the Environmental Planning and Assessment Act 1979 (NSW) as amended(the EPA Act) by inclusion in the Regulations to the EPA Act.
5. With respect to paragraph 4.2 of the Guidelines entitled to 'Access to Information' it is noted that the SIA information is to be written in plain English and available to the public. A transition into major Aboriginal languages may be necessary and appropriate.
6. Not all individual communities affected by a proposed development have access to the internet for various reasons such as computer literacy, poverty and remoteness. Technical and legal information in the development proposals compliant with the Guidelines may be difficult to understand in terms of potential SIA impacts. Public funding should be made available to local communities for assistance in preparing submissions of development proposals especially in relation to SIA impacts.
7. Paper copies of the Guidelines should be available for inspection at local community centres and councils.
8. With respect to Table 4 entitled 'Community Engagements' (p 30 of the Guidelines), reference is made to cultural protocols for conducting meaningful Aboriginal communities.
9. There should be a fundamental assumption that there are relevant Aboriginal knowledges, cultural landscapes and sites to be protected from major development. The onus should be on developers to connect with and consult with Aboriginal knowledge custodians through the local Aboriginal Land Council as a starting point.
 - a. The correct way to identify the people who speak for Country can be informed as a starting point by an article by Norman Laing and Kellyanne Stanford 'Who "speaks for Country" in NSW?' (2015)Law Society Journal,(December)88)
 - b. Documents containing appropriate best-practice cultural protocols are referred to in the Guidelines. Rather than expecting developers to determine which principles are appropriate, a summary of principles for Aboriginal consultation within the environmental decision-making based on free, informed consent in Article 18 of the United Nations Declaration on the Rights of Indigenous Peoples should be included clearly.
10. With respect to Appendix B of the Guidelines:

Appropriate and recent expert qualifications for SIA authors should be mandatory to ensure quality control of SIA.
11. The Department of Planning could have a certification process for SIA experts for approval and inclusion on an expert panel available to developers and the community.

12. SIA authors must sign a statutory declaration with relevant qualifications to prepare SIA documentation (see p.32 of the Guidelines), have answered the review questions 1-13 (on p.34 of the Guidelines), and acknowledge they understand the legal and ethical implications of completing the SIA assessment and documentation. A reference may be made to the Land and Environment Court Practice Notice – Expert Witness Code of Conduct (https://www.lec.justice.nsw.gov.au/Pages/coming_to_the_court/expert_witnesses.aspx#Expert_witness_code)

information is to be written in plain English and available to the public. A transition into major Aboriginal languages may be necessary and appropriate.

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I agree to the above statement

Yes

Submission on ‘Draft Social Impact Assessment Guideline’, November 2020

This is a submission on the *Draft Social Impact Assessment (SIA) Guideline* for State significant projects in NSW. Thank you for the opportunity to comment.

(1) Introduction

The draft SIA Guideline, as exhibited, provides a positive framework for assessing and managing social impacts and engaging with the community on State significant projects. On the whole it is a good document that should provide proponents with a clear pathway on what is expected both by Government and by the community when undertaking SIA. Following are more specific comments on aspects of the Guideline.

(2) Proponents should take SIA responsibilities seriously

Environmental impact assessment (EIA) is far more than assessing and mitigating physical impacts of proposals and ensuring the profit margins of financial backers. A successful project is one that the community values positively from a myriad of perspectives, including demonstrating clear environmental, economic and social benefits. SIA is a key part of ensuring this is more likely to happen, particularly where it commences early in the process and is taken seriously by proponents.

There is clearly more to assessing State significant projects than obtaining overall Government support and funding. The draft SIA Guideline should make it clear that the key to best practice in this area is to ensure that proponents understand their responsibilities for SIA and actively take SIA seriously. SIA should not be seen as a nuisance and any perceived negative outcomes of SIA such as communities opposing a project must not be simply regarded as an impediment to proponents “doing what they want”.

(3) Consultation and engagement should be started early and fully followed through

It is positive to see that the draft Guideline advocates that in SIA, proponents should ensure that consultation and engagement with the community is dealt with adequately from the earliest stage possible of a project, and then fully followed through.

I provide a recent example where it appears that adequate and full community engagement was missing or certainly lacking from a major Sydney road project, the Warringah Freeway Upgrade (currently being assessed by the Department).

The Warringah Freeway Upgrade is one of a number of linked mega-road projects being proposed by the NSW Government – including the Western Harbour Tunnel and Northern Beaches Link. At no time prior to the release in early 2020 of the joint EIS for the Western Harbour Tunnel and Warringah Freeway Upgrade was there any real detailed information on what the proposed Warringah Freeway Upgrade involved and what it would look like once completed. There was also a sense that the Freeway Upgrade, as one of clearly linked projects, was effectively afforded a lower status by including it in a joint EIS as an apparent subproject of the Western Harbour Tunnel. As a result, many nearby residents who may have been broadly aware of the Western Harbour Tunnel and its impacts in North Sydney such as the location of the tunnel portal and exhaust stacks, were

totally unaware of the significance of what may have been proposed for the Warringah Freeway Upgrade and did not have input to any early community engagement that may have occurred.

It is worth noting that the term “Upgrade” could be interpreted to mean anything from minor modifications to what is actually proposed in the EIS – a new busway, various significant modifications to bridges, interchanges and other infrastructure, and a major new road overpass at Alfred St North, North Sydney, amongst other things.

Residents were therefore required to play “catch up” in understanding the project and its significant impacts and responding to the lengthy and technically complex EIS in a specific timeframe, rather than being a part of the process from day 1. While community information sessions run concurrently with the exhibition of the EIS were extremely valuable, there was some sense of “too little too late” for many residents. Local residents currently wait with considerable anxiety about the proposals following the exhibition of the EIS.

(4) The draft Guideline should explain that proponents should seriously consider the outcomes of SIA, including refining or modifying projects

I understand that the draft Guideline seeks to avoid generally being overly prescriptive in its requirements and language because there are always alternative ways of dealing with issues. However, the draft Guideline should emphasise that community responses, both within SIA and through EIA generally, should be given serious and careful consideration. Proponents that “double down” on submissions and effectively take an “its our way or the highway” approach to SIA should revisit SIA responses and modify projects where relevant. Dismissive approaches by proponents such as these are clearly not best practice.

Thank you again for the opportunity to comment.

| SIA Section | Current Text | Recommended Text | Comment Draft Guideline and Technical Supplement |
|--|---|---|--|
| 1.5 Guideline Language Table 3, 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). | 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, seniors and people with disability , representative bodies, businesses, local government and stakeholder groups (defined below). | State infrastructure projects such as housing need to take into account the Livable Housing design guideline and accreditation standards to meet the needs of seniors and people with disability, and people with low socio-economic status that live on the city fringes |
| 1.5 Guideline Language Table 3, 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). | An element of the environment that may be affected by a State significant project (for example, air, amenity, biodiversity or economic or social and health matters). | |
| 3.3.3 Potential Social Impacts Page 19 | whether the project meets objectives of relevant environmental planning instruments, such as a local environmental plan for SSD, | whether the project meets objectives of relevant environmental planning instruments, such as a local environmental plan applicable to the land proposed for development | |
| 3.3.4 Negative Impacts Page 20 | • increase in dust or noise impacts affecting community health, surroundings and wellbeing | • increase in dust or noise or technological impacts affecting community health, surroundings and wellbeing | |
| Appendix A Community Engagement Page 28 | General categories of people to engage include: • 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 | | Include local Council a key stakeholder included under the general categories |
| 3.3.7 Data Collection Page 22, 29 | 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. | These are considered secondary data sources; you may need to seek out primary data from sources such as: • discussions with State agencies and Councils • interviews, community workshops or focus groups • written and oral stories, first-hand testimonies or community histories • community surveys | Include local Council in discussion as a primary data source |
| 3.3.10 | Evaluating social impacts | | It would be much more useful for the Department to develop an SIA methodology based on more recent approaches to risk assessment and management. These are sometimes based on scenarios- and include quite extreme scenarios. As outlined in the GSC's paper on responding to COVID, we need to plan for resilience, and the use of scenario analysis supports this. |
| Technical Supplement Table 3 | 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. | | Could be more explicit on timing of Council Engagement per Technical Supplement, Table 3 |
| Technical Supplement 2.3 Evaluation Social Impacts | This process must be rigorous, cautious, evidence-based and impartial. In particular, avoid overstating positive impacts and downplaying negative impacts | This process must be rigorous, cautious, evidence-based and impartial and make any potential conflict of interest transparent . In particular, avoid overstating positive impacts and downplaying negative impacts | |
| Technical supplement Table 9 Factors to Consider when developing mitigation measures | Whether the mitigation approach is prescribed in a government policy, or if alternative formalised arrangements are required. | | Could be more explicit on timing of Council Engagement, Table 9 |

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From: <noreply@feedback.planningportal.nsw.gov.au>
Sent on: Thursday, November 26, 2020 4:58:50 AM
To: DPE CSE SIA Project Mailbox <SIA.Project@planning.nsw.gov.au>
CC: DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>
Subject: Webform submission from: Draft Social Impact Assessment Guideline
Attachments: sia-submission-[REDACTED].docx (39.3 KB)

Submitted on Thu, 26/11/2020 - 15:56

Submitted by: Anonymous

Submitted values are:

Submission Type

I am submitting on behalf of my organisation

Name

First name

[REDACTED]

Last name

[REDACTED]

I would like my submission to remain confidential

Yes

Info

Email

[REDACTED]

Suburb/Town & Postcode

Leichhardt 2040

Submission file

sia-submission-[REDACTED]

Submission

Please see attached submission on behalf of [REDACTED]

Kind regards,

[REDACTED]

I agree to the above statement

Yes

Microsoft Exchange Server;converted from html;

From: <noreply@feedback.planningportal.nsw.gov.au>
Sent on: Thursday, November 26, 2020 5:41:46 PM
To: DPE CSE SIA Project Mailbox <SIA.Project@planning.nsw.gov.au>
CC: DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>
Subject: Webform submission from: Draft Social Impact Assessment Guideline
Attachments: sia-2020-[REDACTED] (166.91 KB)

Submitted on Fri, 27/11/2020 - 04:39

Submitted by: Anonymous

Submitted values are:

Submission Type

I am submitting on behalf of my organisation

Name

First name

[REDACTED]

Last name

[REDACTED]

I would like my submission to remain confidential

Yes

Info

Email

[REDACTED]

Suburb/Town & Postcode

2382

Submission file

[REDACTED]

Submission

attached

I agree to the above statement

Yes

followed by a report and ongoing state significant management plan (SIMP) seem to be attempts to address cumulative social impacts over the life of a project. However, the extent to which these strategies address the human element and dynamics of communities is not convincing. Social impacts consolidated in one report for a project that extends over a decade, may satisfy government assessment requirements but may not address the changing needs of, and knowledge held by people within affected communities.

Some of the terminology used in the guidelines emphasises the hierarchical model of state significant planning. The very title "state significant" positions government as the core stakeholder in these projects which are contextualised in legislation (page 8). The legislation limits the extent and time frames in which people can question and add insights to such projects. This raises projects' importance above the people of NSW who will be the end users and beneficiaries. In this context SIA, whilst welcome, is just one of a number of impact assessments undertaken which lead to "management" and "mitigation" strategies. I suggest adding "advice to Ministers" to the last dot point at the top of page 8.

The objectives of community engagement (page 27) are positive. They seem to imply an intention to position community members as participants, collaborators and contributors who influence the development and implementation of plans and designs by sharing knowledge and insights. The addition of examples of outcomes of community engagement on this page would increase the credibility of the objectives. For example, could community knowledge and insights lead to projects being adapted, relocated or even cancelled?.

Reframing SIA as a cumulative process of community collaboration which occurs over the life of a project, commencing in project scoping and continuing throughout planning, design and post approval stages to project completion, would deepen the significance of SIA. This idea includes SIA reports produced more frequently in consultation with, or perhaps jointly authored by community representatives. Each report would be an analysis of social impacts at a point in time, reflecting the stage of the project, community dynamics and participants' input, with recommendations for ongoing project planning, design, implementation and outcomes. This would allow changed attitudes within communities and the emergence of unanticipated impacts to be discussed and addressed when they arise.

To this end, the addition in the guideline of a flow chart or diagram to represent the cumulative process, with examples of consequences and outcomes at various stages would add depth to the SIA process, and increase community stakeholders' perceptions of the credibility of the document.

Reframing SIA in this way could potentially lead to positive influences on people's lives and stronger community-government relationships based on trust and transparency.



I agree to the above statement

Yes

Social Impact Assessment Guideline

Comments by:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

My view is that the concept and approach are excellent. It is only disappointing that the 2017 guideline for resource projects was not extended to all state significant projects earlier.

Benefits

In addition to the relevant benefits listed on page 8, it is desirable to add the limitation on national and state governments and councils pushing through socially undesirable projects, particularly during a situation as at present.

SIA principles

Table 2 on page 10 is excellent.

While “inclusive” implies social consultation, my view is that another line, covering “consultative” – in relation to both individuals and businesses likely to be affected by the development – would be useful.

I would also add “responsive” requiring that the SIA responds to material submitted or collected. A major reason for my responding to this draft, is what I consider to be the disaster of the proposed Western Harbour Tunnel, where the Department of Main Roads totally failed to respond to the criticisms of the design and indeed the entire project which were submitted by local residents, councils and businesses.

Scalability

The 2 to 100 page limit on page 14 seems good.

Figures 5 and 6

Maybe some road names would be good and a scale. Please define the term transformative.

Negative social impacts (page 20)

I think for road and rail projects, separation of areas by the development can be important.

In addition to traffic management, increase in traffic, for example, in areas adjoining new motorways can be negative on residents and users of those areas.

In addition, it is notable that a new motorway can improve traffic flows for a period, but ultimately may attract more road users, so that traffic flows become as bad or worse than they were before.

Other Aspects

I found little to comment on in the last 15 or so pages of the SIA Guideline. However, one overall aspect that in my view could be commented on is the potential for alternative projects. An example is the Beaches Link tunnel connecting North Sydney to Balgowlah. In my view it was necessary that this proposed road development was compared to public transport options, such as the construction of a metro rail line from Chatswood or North Sydney to Dee Why or another northern coastal suburb. At the least an indicative feasibility study should be undertaken of alternative projects to

2

demonstrate why the planned project is preferable in both social and economic terms, which in my view the Beaches Link is not.

In the case of both the Western Harbour Tunnel and Beaches link, it is strongly recommended that social impact assessments are undertaken before the roads are approved.

If expansion of any of these points or further information is required, I will be pleased to try to assist.

Again, I hope that the SIA process will be initiated in NSW as soon as possible. Congratulations.

Microsoft Exchange Server;converted from html;

From: <noreply@feedback.planningportal.nsw.gov.au>
Sent on: Friday, November 27, 2020 2:57:54 AM
To: DPE CSE SIA Project Mailbox <SIA.Project@planning.nsw.gov.au>
CC: DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>
Subject: Webform submission from: Draft Social Impact Assessment Guideline
Attachments: comments-on-sia-guideline-[REDACTED].docx (28.74 KB)

Submitted on Fri, 27/11/2020 - 13:52

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

[REDACTED]

Last name

[REDACTED]

I would like my submission to remain confidential

Yes

Info

Email

[REDACTED]

Suburb/Town & Postcode

North Sydney, NSW 2060

Submission file

[comments-on-sia-guideline-\[REDACTED\].docx](#)

Submission

Attached

<Comments on SIA guideline [REDACTED]>

I agree to the above statement

Yes

Microsoft Exchange Server;converted from html;

From: <noreply@feedback.planningportal.nsw.gov.au>

Sent on: Friday, November 27, 2020 6:23:16 AM

To: DPE CSE SIA Project Mailbox <SIA.Project@planning.nsw.gov.au>

CC: DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>

Subject: Webform submission from: Draft Social Impact Assessment Guideline

Submitted on Fri, 27/11/2020 - 17:23

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

████████

Last name

████████

I would like my submission to remain confidential

Yes

Info

Email

██

Suburb/Town & Postcode

Lake Albert, 2650

Submission

It is little wonder that this social impacts opportunity has arisen as the treatment of rural communities & food producers in NSW by the DPIE is absolutely atrocious!

Ever since we first encountered Executive Director Dunce - David Kitto at the Wagga Wagga Solar Forum - 3rd July 2020 our lives & that of numerous others throughout NSW have been seriously ruined by his arrogant, inept, ignorant, cruel, dismissive, inconsiderate display of DPIE propaganda!

With his fudged, 1982 mapping plotting the insidious solar plague & wind energy dumps through our best food resource land in NSW, this is far beyond reckless, negligent & harmful to all Australian's, particularly rural Australians in NSW, who suffer so extensively in ways city centric politicians & public servants can never imagine, from such disregard, lack of common sense & absence of reason.

The NSW Government & DPIE has clearly proven absolutely no consideration whatsoever for food production & supply in Australia. This shows their complete betrayal of Australia's welfare, the protection of vital food supply sources & sensible, efficient & economical energy independence.

The NSW Government & DPIE's prioritising of solar 'dumps' midst uncontaminated food producing areas over healthy, clean, uncontaminated food supply is sheer lunacy!
Off-shore, foreign developers, dominating Chinese energy companies & Chinese manufacturing are greatly prioritised by this scandalous NSW Government & DPIE over NSW food producers, NSW rural communities, vital food supply for Australians & for the benefit of NSW industry, manufacturing & Australia's economy.

This diabolical energy plan is an absolute tragedy for Australia. with its foundation based on ignorance (or purposeful intent,) fraud & scandalous corruption!

All rural NSW Government MP's & MLC's except for a few such as One Nation & Shooters, Fishers & Farmers have actually never even bothered to consult with or listen to their rural constituencies - where solar/wind proposals are being forced by the DPIE. They pretend they are beneficial but this is an absolute farce! They are deluded, in a mythical fantasy - imagining sweet little rays of sunshine & lovely breezes, with absolutely no idea of the contaminating heavy metal risk reality, the senseless destruction of biodiversity & precious ecology & habitat, the glaring visual amenity nightmare, social fracturing due to bribery by developers, extreme mental health impacts - including 'deaths of despair' from the heartache & nonsensical, detrimental impacts wrought on rural Australia.

Whilst Dr Joe McGirr is representative of this present radical, left-wing, socialist, NSW Government, it is not good enough that his dishonest, misrepresentative environmental rhetoric is used to force harmful large-scale PV Solar developments on rural NSW with genuine, already proven catastrophic consequences in his own home city of Wagga Wagga.

Surely, as a Dr, McGirr must be fully aware by now that his ideological fantasy has wrought severe social fracturing of previously harmonious rural communities - due to bribed solar host pariahs & widespread, extensive emotional & mental health impacts - leading to physical illness for numerous NSW rural families - with up to 4 generations impacted & hurt by the devastation of these solar dumps!

Detrimentially impacted rural lives will never be the same! Their health & wellbeing has been irretrievably harmed. I am personally sickened to be forced to constantly see our best resource land purposely targeted by this contaminating 'crap'!

I would rather be dead than see this vast devastation forced on other wonderfully productive, beautiful rural communities, with the associated heartache & burden of future fears for our health & safety - that we are now tortured with.

In fact, Dr Joe McGirr - joint instigator of this horror, has now finally admitted on Seven News -23rd Nov 2020 - when it is all irretrievably too late for his own Bomen & Eunony Valley district, that the system is broken & large energy companies have completely failed to consult & deal fairly with rural communities. Instead, barging ahead with their planned agenda, totally disregarding rural individuals & communities as if they don't exist. He needs to add himself, the majority of his fellow politicians & the DPIE to that truthful criticism.

Obviously, there is a century long history of farmers producing quality, reliable food supplies in NSW, which are vital for NSW & other states especially when 99% of the rest of NSW & many other states have been & will again be drought stricken.

This healthy food production has been maintained in harmony with the natural environment, with local landholders taking exceptional care of & having great appreciation for the preservation of its precious biodiversity, ecology & habitat.

What a shame that the NSW Government & the DPIE don't have any respect or appreciation at all for rural communities in NSW, nor for where their food actually comes from & how precarious this supply can be in difficult seasons.

Solar 'dumps won't aid this dilemma! They make it massively worse!

SunRice has run out of Australian grown rice this year, yet this stupid Department has recently dumped large-scale solar on precious irrigation land at SunRice headquarters Yanco/Leeton.

Local jobs are already lost & like all other rural communities, there is no benefit whatsoever for local rural areas, only detrimental, land contamination risk & heartache!

Notable stalwarts of our healthy diets - Uncle Toby's, Sanitarium & Riverina Oils also source their essential oats, wheat & canola supplies from presently threatened solar 'dump' districts, as do many others - including stock feed suppliers.

The developer bribes for Councils & solar hosts will pale into insignificance when solar panels are shattered by hail, burnt or damaged & the heavy metal leachate renders our land unviable & the massive waste burden of 'future electronic garbage' is fully realised!

Biodiversity off-sets are a sham & will never replace the environmental vandalism large-scale solar wantonly causes - solely for their own financial gain.

Large-scale PV Solar is an opportunistic, burdening invader, sponging on & ruining our precious natural environment & rural lives.

My family & I will never recover & suffer immense grief & loss from the DPIE's unacceptable behaviour, failure to follow due process in even notifying direct neighbour's of solar dumps, thus denying them any opportunity to object prior to approval.

Their callous disregard for our lives & welfare & blatant, bullying mistreatment deserves a serious reckoning!

This dishonest & corrupt behaviour has been so immensely upsetting, frustrating & infuriating, that many impacted individuals & all generations of their family have been emotionally & mentally tortured. This cruelty has

led to life long health impacts that so unnecessarily have deprived many of a healthy & happy future.

I agree to the above statement

Yes

Microsoft Exchange Server;converted from html;

From: <noreply@feedback.planningportal.nsw.gov.au>

Sent on: Friday, November 27, 2020 8:19:59 AM

To: DPE CSE SIA Project Mailbox <SIA.Project@planning.nsw.gov.au>

CC: DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>

Subject: Webform submission from: Draft Social Impact Assessment Guideline

Submitted on Fri, 27/11/2020 - 19:19

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

████████

Last name

████████

I would like my submission to remain confidential

Yes

Info

Email

██

Suburb/Town & Postcode

Wagga Wagga 2650

Submission

What a disgrace, that the NSW Government has passed such a fraudulent & nonsensical 'renewable' energy scam!

The devastating impacts on rural communities & Australia's most reliable, clean, uncontaminated food producers are blatant, cruel torture!

The fact that 4 submissions (including this) & 2 hearings in the Walla Walla , Jindera , Glenellen area ended up smack bang midst harvest, shows the total rudeness of the DPIE & it's processes, which completely disregard the relevance of rural NSW, except to dump its toxic garbage!

The dismissive, inconsiderate nature of the bullying, inept DPIE is long proven! It shows a complete lack of comprehension for what rural communities do & how they tirelessly support Australia. The DPIE continually tears at the very heart of rural Australia with their lack of empathy & astounding ignorance. It appears they have no idea where their own food staples come from!

Either they are all too dumb to know that farmers are flat out harvesting & making hay Nov/Dec or they purposely contrived this timing for their own devious advantage.

The Planning Department displays a clear lack of intelligence & ethics - in their blind support of this energy scam with its fudged modelling, costing omission collusion, unsustainable, toxic renewable garbage & doesn't give a stuff about rural communities & the harm intentionally caused to them.

I presume it is the latter.

Shameful!

I agree to the above statement
Yes

Submitted on Mon, 09/11/2020 - 06:16

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

██████

Last name

██████

I would like my submission to remain confidential

Yes

Info

Email

██

Suburb/Town & Postcode

Sylvania

Submission

Sydney and its surrounding suburbs are slowly being destroyed by overdevelopment. Too many high rise unit blocks impacting local residents and the local infrastructure cannot cope with the extra traffic etc. Even if local residents have their say Councils and State planning are allowing these plans to be approved. Even though you want us to have our say.....will you listen???? Seeing what is happening to Sydney you obviously havent been listening. People are having to move out of their once peaceful surburbs because of this. Its a tragedy to watch what is happening at the moment. Please stop!!!

I agree to the above statement

Yes

Microsoft Exchange Server;converted from html;

From: [REDACTED]

Sent on: Wednesday, November 4, 2020 10:46:40 PM

To: DPE CSE SIA Project Mailbox <SIA.Project@planning.nsw.gov.au>

Subject: SIA Guidelines

After the experience I have had in the "have your say" process for the 2036 St Leonards and Crows Nest Plan, your email re draft guidelines for community consultation is a JOKE and an INSULT to our community! The community consultation process in NSW is a contemptuous and cynical exercise in 'ticking the box' !!

[REDACTED]

Microsoft Exchange Server;converted from html;

From: [REDACTED]

Sent on: Tuesday, November 3, 2020 7:55:42 AM

To: DPE CSE SIA Project Mailbox <SIA.Project@planning.nsw.gov.au>

Subject: SIA Submission

Hello

Here are my comments on the draft and supplement:

Both reports are far too long, bureaucratic and fluffy. I could reduce them by half without losing any message (but I would have to charge you!)

However, if you feel the need to maintain the unnecessary length (including quite a bit of unnecessary repetition) then I comment as follows:

3.2 Modifications: I have noted a bad habit developing of companies applying for a DA in a hurry and then submitting a whole bunch of modifications after the fact.

This should not be promoted and in fact I think it should be penalised. The DA should be FINAL.

3.3.2 Social Locality. This is the crux of the whole report but it just reads as if its significance is secondary. Social locality is critical. It must be defined. And direct confirmed contact must be made with all people affected.

As an example a recent Planning Proponent thought that it was sufficient to set up a website and only respond to those who logged on. No direct contact was made to 500 apartments affected! Duh!

3.3.4 Negative social impacts: Again this is CRITICAL so these need to form the heart of the entire SIA process. They all need to be listed along with the proponents response and the gap between them then needs becomes the core of each particular SIA. Write something about how that gap is going to be closed.

3.3.9 Engage: Again, proof of direct contact with all people within an area needs to be evidenced.

Appendix A then should become the list of community grievances, and how the gap was closed.

Page 29: Mention DIRECT CONTACT.

The Technical Supplement seems to be a repetition of the main report. I don't see what it adds to anything.

Regards

[REDACTED]

[REDACTED]
Hunters Hill 2110
28 November 2020

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

Dear Sir/Madam,

I am making very brief comment on the draft Social Impact Assessment Guideline 2020.

Whilst this draft document seems directed to proponents of major projects (not me) there is hopefully some benefit in seeking comments from the general public about how "best" to improve assessment of the social impacts arising from State Significant Development projects. These impacts can be major and need proper identification in the immediate construction phase and when completed and operational - so thank you for an opportunity to comment.

I have not looked in detail at your guideline but I have had direct involvement in the community engagement and consultative phase of SSD projects for around 25 years. These have all been urban based and primarily transport related or high rise development subdivisions and zonings.

They have included:

- M2 Tollway - construction impacts and post planning for surplus land parcels;
- Chatswood to Parramatta rail link (eventually stopping at Epping)
- Lane Cove Tunnel and associated works
- A number of highrise development projects.

I have also provided written comment on numerous SSD projects.

What has struck me over this period is the significant reduction in the quality and rigour of community engagement and consultation that has occurred. From community and stakeholder group engagement with a broad focus early in the planning of a large development, community engagement now seems "post production". It seems to be about expedient control of individuals most affected by the social and environmental impacts arising from the SSD, some of which should have been identified in the planning and assessment phase.

If government is serious about improved processes to assess social impacts I have a couple of suggestions:

- The assessment of social impact of SSD projects is inherently limited since the project itself is a "given" within its own fast tracked planning laws. Often the need and purpose of a SSD project has not been "justified" broadly within any strategic planning process and is defined solely via these special planning approval laws.

Thus the SSD project sits “outside” strategic State or regional planning processes which may have already identified need to manage broader cumulative social and environmental impacts but these cannot be considered as part of the assessment or approval of the specific SSD project;

- If early community engagement is to be encouraged via this draft guideline any processes established to canvas community concerns about a SSD project must be by a facilitator who is independent and transparent. Notes of any meeting must be signed off by the group, any dissent noted and published publically;
- Concern in regards to the public interest should be recognised as separate and genuine to the concerns of directly affected individuals. Both should be represented in the list of stakeholders;
- Individual stakeholders should be able to exchange with other stakeholders who may have different perspectives and interests ie don't always separate into special interest areas prescribed by the proponent. This should also apply to any engagement with local Councils;
- Local Councils should be able to undertake independent engagement and consultation with their local community and should not be disadvantaged financially in doing this. The results of this consultation should be given weight within the assessment process;
- Social impacts can be cross-generational and consideration of future or potential impacts should be included in the assessment of social impacts. For example the costs of open cut mining void remediation, cleanup of waterways etc may need to be picked up by future generations. The possibility of this burden on future generations who have received no direct benefit should constitute part of the social assessment of the SSD project
- Sometimes it is difficult to separately assess the social and environmental impacts of a SSD projects as these impacts are intrinsically linked eg loss of local amenity, reduced ecosystem functioning to maintain air and water quality etc. There is need to take special account of this complexity in the assessment processes;
- Cumulative impact needs to be considered for both social and environmental impacts.

As mentioned above I do not have time to fully consider your draft guidelines but feel there is an urgent need for broader, upfront consideration of the social impact of SSD projects. I also had difficulty understanding your template.


I am cynical whether the draft guidelines will properly address the problems but there probably is some merit in “tweaking” the upfront social assessment phase of the approvals process as seems proposed.

The basic problem with assessment of the social and environmental impacts of SSD projects is that they are effectively defined and “approved” by their special environmental planning and assessment pathway. This largely removes them from the intent of the EP&A Act to promote sustainable development for the benefit of current and future generations.

A more integrated planning process is probably where change is needed if improved assessment of social and environmental impacts is to be genuinely achieved. The current failure of planning process was identified previously in community concerns about Part 3A approvals which government promised to fix. These concerns are unlikely to be silenced by draft guidelines on the assessment of social impacts.

Yours sincerely,

A solid black rectangular redaction box covering the signature area.



3 December 2020

Submission to the Draft Social Impact Assessment Guideline for State Significant Projects (October 2020)

As a social researcher working with mining affected communities in New South Wales, I observed first-hand the importance of the 2017 Social Impact Assessment (SIA) Guideline. For the communities affected by state significant projects, the guideline provided an essential foundation by which more rigorous SIA could be founded and they could themselves review the rigour of SIAs conducted by proponent. The guideline guided communication between proponents, consultants and communities, and both positive and negative impacts of proposed developments could be better identified and assessed.

I support the DPIE's commitment to improve the standards concerning SIA in NSW and welcome the new guideline as a framework to expand good SIA practice across all State Significant Project. I do, however, have some concerns regarding the updated Guideline, which I will outline in this submission.

As a summary, my main concern is that the 2020 Guideline is not sufficient to strengthen good SIA practice and good planning decisions due to both its content and the lack of implementation mechanisms, and that it, in parts, weakens the 2017 Guideline as it now extends beyond mining, petroleum production and extractive industry development. I fear that the conflation of State Significant Projects of a highly diverse nature will draw attention away from the particular nature that extractive projects present in terms of SIA and the distinct conflict that is embedded within such project.

1. Merging of all State Significant Projects under one umbrella SIA

The updated version currently on exhibition is to replace the 2017 Guideline and is intended to apply to *all* State Significant Project. As mentioned above, I am concerned that this might draw attention away from the particular nature that extractive projects present in terms of social impact, and the distinct conflict that is embedded within such projects. My reading of the 2020 guideline is that this conflation has led to a watering-down of the assessment scheme, with the top magnitude within the social impact significance matrix now being 'transformational' rather than 'catastrophic'. This change in language is significant and in itself downplays the detrimental social impacts that projects can have on local communities.

The guideline states in the introduction that 'The SIA should be targeted and proportionate to the nature and scale of the likely project impacts and to the project's context' (p. 7, see also '1.5 Guideline language). The guideline is, however, vague in its language about this and I believe it should be much more prescriptive about the distinct impact of mining, petroleum production and extractive industry development. The tension and conflict that mining, petroleum production and extractive industry projects cause is well documented and the impact of such projects have a distinct temporal and material character. Much stronger language should be adopted about what is expected in relation to these types of project.

I am also concerned that the expansion of the Guideline to include all types of developments have generated an urban bias within the guideline itself. Rural communities are particularly vulnerable in their own right yet there is no recognition of this within the guideline. Rural communities, their social dynamics, the projects proposed and the types of social impacts occurring are different from those of cities or suburbs or regional centres. The vulnerability of particular demographic groups (e.g. ethnic minorities; Aboriginal communities; disabled communities) are mentioned but nowhere is the distinct vulnerability of rural communities mentioned, nor is the difference in social structure and the need for specialised understanding of rural communities recognised. I am deeply concerned about statements, such as what is stated under 3.3.4 Categorising Impacts where it says: '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' (p.13). Does this mean that if sparsely populated, the SIA process will be less important? Does this mean that if numbers come through and more people benefit by secondary impacts in the centres, those who live within the local communities at the centre of the development, will be outnumbered? How will quantity versus quality of impact be considered? Statements such as the once cited above carries a dangerous connotation that can negatively expose smaller, rural and remote communities.

2. Lack of legal requirements for SIA

The guideline provides substantive and much-needed guidance to proponents and consultants working in the field of SIA but there is no specific or enforceable legal requirements to undertake a rigorous and independent SIA in NSW. The lack of statutory requirements to impose formal procedures means that social impacts assessments will often be inadequately assessed in practice. As Judge Brian Preston of the Land and Environment Court vividly illustrates in his judgement of the Rocky Hill Coal Mine, handed down in 2019 as the first court case that directly adopts the 2017 SIA Guideline as a framework for assessing impacts, the guideline has tremendous applicability to the evaluation of risk and vulnerability when adopted in a rigorous manner. Formal statutory provisions should require approval decisions under the EPA Act to implement the Guideline in its totality, including research methods and assessment methods.

3. Proponent funded SIA and then what?

There is no clear implementation plan and how the SIA will be assessed by the Department in the determination of a proposal is unclear. How will the assessment of the SIA be conducted? Who will be in charge of this? As SIAs are funded by the proponent with consultants hired to conduct the SIA, a notion of bias will be embedded within the SIA process. In the past, the Department has utilised peer review as a mean by which to assess the quality and rigour of a SIA in highly contentious matters. Writing a peer review process into the SIA stages will provide a measure to ensure the reliability, validity and quality of the SIA. It is not only important that those hired in the

SIA process have the required skills and expertise; equally, those assessing the SIA must be experts within this field. Does the Department hold such expertise? If not, how will the required expertise of reviewers be ensured? The legitimacy of the process must be ensured and writing a peer review stage into the stages of the SIA will go some way in this regard. It could be placed as a requirement for proponent not only to pay for the SIA but also pay for a peer review process managed by the Department who can bring in experts who can do an unbiased evaluation of the SIA.

4. SIA is not a path to social licence

There are elements of the SIA that reads as if the SIA process is to be the pathway for proponents to obtain 'social licence'. An example of this is on page 8 under 1.1. Benefits, where it is stated that 'Using this Guideline during the SIA process will...build higher levels of community appreciation, or 'social licence', for projects'. This is a misrepresentation of what a SIA should be and the purpose it should serve. Conducting a rigorous SIA should have nothing to do about getting a social licence or support within the community for the project; it should be about assessing the social impacts that the proposed development might have. The SIA is conducted with the aim of providing the consent authority with an assessment of likely impacts so they can make the informed determination about whether to approve or decline a proposal. Any implications of otherwise **must be** removed from the guideline.

5. SIA principles

In section 1.4 it is stated that the SIA principles are to support 'an evidence-based approach to SIA' (p.10). I want to problematise the notion of 'evidence-based' here. What is evidence-based approaches? What counts as evidence? The language of evidence based resonates with a positivist research tradition that will seek 'facts' and 'truth' that can be stated objectively. But such facts and truths will always be positioned. A principle stated is 'impartiality', referring to the use of fair, unbiased research methods that follows relevant ethical standards. This statement is itself highly problematic: no method is unbiased or fair in their own right; it is about the application of the method. How will such impartiality be ensured? This brings me back to the question about how the guideline will be implemented and the need for an established peer-review process (see 3, above).

Another principle that is to guide the SIA process is 'distributional equity'. I concur completely with this principle as a key part of the SIA process but as I read this I am struck by a significant failure of the SIA Guideline to recognise distributional equity in its own right! This relates to the notion of social locality adopted for the SIA (see below) and the failure of the SIA to direct attention to climate change. Many State Significant Project will be proposals for development that relate to climate change – either infrastructure and extractive projects that can negatively contribute to carbon emissions, or energy projects that can positively contribute to transitioning. Climate change must be recognised in the Guideline and direction for how to consider it in relation to social impact must be provided. The Department can seek instructions for how to set this up by looking at Judge Preston's Rocky Hill judgement, which has significant importance for Australian environmental law (<https://www.caselaw.nsw.gov.au/decision/5c59012ce4b02a5a800be47f>).

6. Guideline language and social locality

The definition of terms provided as part of section 1.5 is overall good and instructive but the term 'community' requires better explanation. 'Community' is defined as 'anyone affected by or interested in State significant projects in NSW' (p.11). The term overlaps with the notion of 'social locality' but they both fail in offering a satisfactory understanding of impact. Community includes

people who may be outside of social locality, but social locality remains highly geographically bound and, as such, does not adequately recognise impact on, for example, downstream communities or negative impact caused by climate change. The idea of intangible value is mentioned in the guideline but it is not brought into the discussion about social locality. Despite statements such as 'social locality...may be spatially and/or temporally dispersed' and is not a 'predefined geographical boundary' (p.16), the notion of locality continues to be dominated by notions of geographical proximity. This is exacerbated by the use of illustrations that set up social locality as a geographical phenomenon (Figures 5 and 6).

7. Overemphasis on positive social impacts

Throughout the guideline, there seems to be a tendency to emphasise positive impacts over negative impacts. It is also alluded that mitigation can be used as a mode to generate positive impact. An example of this is the way that positive, negative and cumulative social impacts are covered on page 17 of the guideline. It should be stated that the SIMP and VPA should not be seen as positive impact of the project – these are measures related to mitigation of negative impacts or enhancement of positive impacts; not impacts of the project in their own right. Furthermore, about negative social impacts, it is stated that such impacts may include 'decreased amenity during construction programs affecting jobs and business opportunities'. Language such as this does not recognise the ongoing, lived experience of living with developments and the impact on amenity can go way beyond construction phase. This must be put forward in the list of examples, and visual impacts (including light pollution) should be incorporated into the list of impacts from project operations. Furthermore, a note should be made about cumulative social impacts as these relate to linear impacts. As an example, in a place like Newcastle, cumulative impacts of coal mining in the Hunter Valley include the exposure of coal dust and train traffic due to the multitude of mines in the valley.

8. Incorporating EIA elements

This section of the SIA emphasises the importance of correlating the technical environmental impact assessments with the social impact assessment. Figure 7 provides an illustration about how specialist studies may link with the SIA. But, how are these to be evaluated against one another? Within our highly technocratic planning regime, the danger is that the EIA specialist studies will be forwarded as 'truth' over the 'perceptions' of local communities. This links in with what I stated above regarding the emphasis on 'evidence base'. I here will reiterate the importance of Judge Preston's Land and Environment Court statement, in which he shows how the technical studies might find that there is no viable impact but the SIA finds that the social impacts of the technical component (e.g. noise, dust, visual) are catastrophic. Greater clarification and guidance as to how to balance the different assessments is required and it should be emphasised that good social research should be positioned within a phenomenological epistemology that emphasises lived experience over technical measures.

9. Responding to negative social impact

A significant problem with the guideline as it stands is how it sets up the response to negative social impacts. This section conflates mitigation of negative impacts with management of social impacts. This has to be kept separate! Thus, 'investment in local health services to meet increasing population needs, investment in community projects or community development funds' are not necessarily mitigating the impact – the impact is still there but this might help manage the impact. A VPA is not a mitigation strategy; it is a matter of building community relations. It is essential that

the guideline gets this right and ensures that both positive and negative impacts are assessed for what they are, without mitigation efforts, and that if a project is approved despite the recognised negative impacts, the management of this is not approached as mitigation.

10. SIMP


I would strongly argue that the SIMP should form part of Phase 2 of the SIA process, not Stage 3. If negative impacts are recognised as part of a proposal, the SIMP must be developed as part of the approval process. An example of the negative consequences of giving approval without a SIMP can be found in the case of Peabody's Wilpinjong coal mine modification and expansion application. This mine was approved without the SIMP. It took the company over two years to get the SIMP together and the process of developing the SIMP caused further rupture between the community and the mine.

The new Guideline does not address the failures in the 2017 Guideline in establishing a rigorous process for the SIMP. There is no direction as to how the SIMP will be subject to assessment and approval, nor how the community that is affected can respond to the SIMP. There is no 'Social Protection Agency' akin to the 'Environmental Protection Agency' that communities can turn to and report failures by companies in adhering to the SIMP. There is no defined body that will ensure that the proponent is held accountable to the SIMP. An outline of how the SIMP will be assessed, managed and regulated is required to ensure that the SIMP will overcome negative impacts identified in the SIA.

11. Climate change, public health, indigenous rights and ethics

As a final point, I want to reiterate what I have stated above in regard to climate change and urge the Department to make specific mention of climate change in the guideline. Likewise, there should be stronger emphasis on public health, an issue that is largely understated in the Guideline as it stands. Furthermore, numerous attempts are made to address Indigenous concerns in the guidelines but the guideline continues to undermine these and there is no recognition of Indigenous epistemology and ontology, and how this should inform the SIA process. There are distinct guidelines for how to conduct research with Indigenous peoples, which should inform the SIA process. There is no mention at all about the [National Statement on Ethical Conduct in Human Research](#), let alone the very important [Ethical Guidelines for Research with Aboriginal and Torres Strait Islander Peoples](#). The 2020 Guideline makes reference on a few occasions to the requirement to conduct 'ethical research' but as this research is often conducted outside of the University domain there is no process by which to assess the research protocol and adherence to the ethical guidelines that are to guide all research with human subjects.





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There are elements of the SIA that reads as if the SIA process is to be the pathway for proponents to obtain 'social licence'. An example of this is on page 8 under 1.1. Benefits, where it is stated that 'Using this Guideline during the SIA process will...build higher levels of community appreciation, or 'social licence', for projects'. This is a misrepresentation of what a SIA should be and the purpose it should serve. Conducting a rigorous SIA should have nothing to do about getting a social licence or support within the community for the project; it should be about assessing the social impacts that the proposed development might have. The SIA is conducted with the aim of providing the consent authority with an assessment of likely impacts so they can make the informed determination about whether to approve or decline a proposal. Any implications of otherwise **must be** removed from the guideline.

5. SIA principles

In section 1.4 it is stated that the SIA principles are to support 'an evidence-based approach to SIA' (p.10). I want to problematise the notion of 'evidence-based' here. What is evidence-based approaches? What counts as evidence? The language of evidence based resonates with a positivist research tradition that will seek 'facts' and 'truth' that can be stated objectively. But such facts and truths will always be positioned. A principle stated is 'impartiality', referring to the use of fair, unbiased research methods that follows relevant ethical standards. This statement is itself highly problematic: no method is unbiased or fair in their own right; it is about the application of the method. How will such impartiality be ensured? This brings me back to the question about how the guideline will be implemented and the need for an established peer-review process (see 3, above).

Another principle that is to guide the SIA process is 'distributional equity'. I concur completely with this principle as a key part of the SIA process but as I read this I am struck by a significant failure of the SIA Guideline to recognise distributional equity in its own right! This relates to the notion of social locality adopted for the SIA (see below) and the failure of the SIA to direct attention to climate change. Many State Significant Project will be proposals for development that relate to climate change – either infrastructure and extractive projects that can negatively contribute to carbon emissions, or energy projects that can positively contribute to transitioning. Climate change must be recognised in the Guideline and direction for how to consider it in relation to social impact must be provided. The Department can seek instructions for how to set this up by looking at Judge Preston's Rocky Hill judgement, which has significant importance for Australian environmental law (<https://www.caselaw.nsw.gov.au/decision/5c59012ce4b02a5a800be47f>).

6. Guideline language and social locality

The definition of terms provided as part of section 1.5 is overall good and instructive but the term 'community' requires better explanation. 'Community' is defined as 'anyone affected by or interested in State significant projects in NSW' (p.11). The term overlaps with the notion of 'social locality' but they both fail in offering a satisfactory understanding of impact. Community includes

people who may be outside of social locality, but social locality remains highly geographically bound and, as such, does not adequately recognise impact on, for example, downstream communities or negative impact caused by climate change. The idea of intangible value is mentioned in the guideline but it is not brought into the discussion about social locality. Despite statements such as 'social locality...may be spatially and/or temporally dispersed' and is not a 'predefined geographical boundary' (p.16), the notion of locality continues to be dominated by notions of geographical proximity. This is exacerbated by the use of illustrations that set up social locality as a geographical phenomenon (Figures 5 and 6).

7. Overemphasis on positive social impacts

Throughout the guideline, there seems to be a tendency to emphasise positive impacts over negative impacts. It is also alluded that mitigation can be used as a mode to generate positive impact. An example of this is the way that positive, negative and cumulative social impacts are covered on page 17 of the guideline. It should be stated that the SIMP and VPA should not be seen as positive impact of the project – these are measures related to mitigation of negative impacts or enhancement of positive impacts; not impacts of the project in their own right. Furthermore, about negative social impacts, it is stated that such impacts may include 'decreased amenity during construction programs affecting jobs and business opportunities'. Language such as this does not recognise the ongoing, lived experience of living with developments and the impact on amenity can go way beyond construction phase. This must be put forward in the list of examples, and visual impacts (including light pollution) should be incorporated into the list of impacts from project operations. Furthermore, a note should be made about cumulative social impacts as these relate to linear impacts. As an example, in a place like Newcastle, cumulative impacts of coal mining in the Hunter Valley include the exposure of coal dust and train traffic due to the multitude of mines in the valley.

8. Incorporating EIA elements

This section of the SIA emphasises the importance of correlating the technical environmental impact assessments with the social impact assessment. Figure 7 provides an illustration about how specialist studies may link with the SIA. But, how are these to be evaluated against one another? Within our highly technocratic planning regime, the danger is that the EIA specialist studies will be forwarded as 'truth' over the 'perceptions' of local communities. This links in with what I stated above regarding the emphasis on 'evidence base'. I here will reiterate the importance of Judge Preston's Land and Environment Court statement, in which he shows how the technical studies might find that there is no viable impact but the SIA finds that the social impacts of the technical component (e.g. noise, dust, visual) are catastrophic. Greater clarification and guidance as to how to balance the different assessments is required and it should be emphasised that good social research should be positioned within a phenomenological epistemology that emphasises lived experience over technical measures.

9. Responding to negative social impact

A significant problem with the guideline as it stands is how it sets up the response to negative social impacts. This section conflates mitigation of negative impacts with management of social impacts. This has to be kept separate! Thus, 'investment in local health services to meet increasing population needs, investment in community projects or community development funds' are not necessarily mitigating the impact – the impact is still there but this might help manage the impact. A VPA is not a mitigation strategy; it is a matter of building community relations. It is essential that

the guideline gets this right and ensures that both positive and negative impacts are assessed for what they are, without mitigation efforts, and that if a project is approved despite the recognised negative impacts, the management of this is not approached as mitigation.

10. SIMP

I would strongly argue that the SIMP should form part of Phase 2 of the SIA process, not Stage 3. If negative impacts are recognised as part of a proposal, the SIMP must be developed as part of the approval process. An example of the negative consequences of giving approval without a SIMP can be found in the case of Peabody's Wilpinjong coal mine modification and expansion application. This mine was approved without the SIMP. It took the company over two years to get the SIMP together and the process of developing the SIMP caused further rupture between the community and the mine.

The new Guideline does not address the failures in the 2017 Guideline in establishing a rigorous process for the SIMP. There is no direction as to how the SIMP will be subject to assessment and approval, nor how the community that is affected can respond to the SIMP. There is no 'Social Protection Agency' akin to the 'Environmental Protection Agency' that communities can turn to and report failures by companies in adhering to the SIMP. There is no defined body that will ensure that the proponent is held accountable to the SIMP. An outline of how the SIMP will be assessed, managed and regulated is required to ensure that the SIMP will overcome negative impacts identified in the SIA.

11. Climate change, public health, indigenous rights and ethics

As a final point, I want to reiterate what I have stated above in regard to climate change and urge the Department to make specific mention of climate change in the guideline. Likewise, there should be stronger emphasis on public health, an issue that is largely understated in the Guideline as it stands. Furthermore, numerous attempts are made to address Indigenous concerns in the guidelines but the guideline continues to undermine these and there is no recognition of Indigenous epistemology and ontology, and how this should inform the SIA process. There are distinct guidelines for how to conduct research with Indigenous peoples, which should inform the SIA process. There is no mention at all about the [National Statement on Ethical Conduct in Human Research](#), let alone the very important [Ethical Guidelines for Research with Aboriginal and Torres Strait Islander Peoples](#). The 2020 Guideline makes reference on a few occasions to the requirement to conduct 'ethical research' but as this research is often conducted outside of the University domain there is no process by which to assess the research protocol and adherence to the ethical guidelines that are to guide all research with human subjects.

