



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

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 afreeman@cleanenergycouncil.org.au 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.

#	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 'cultural or spiritual loss'	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/validation	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/validation	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 'fears for their health'.	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.