

Stockton Sand Quarry Dredging; DA SSD-9490

DPIE internal review of Social Impact Assessment

Compiled by Richard Parsons, April 2020

Context and approach to this review

The *Environmental Planning and Assessment Act 1979* establishes the framework for assessing all types of development in New South Wales, including State-significant development (SSD) projects. The Act has several objects relevant to Social Impact Assessment (SIA), including:

- to promote the social and economic welfare of the community;
- to facilitate ecologically sustainable development by integrating relevant economic, environmental, and social considerations in decision-making about environmental planning and assessment; and
- to provide increased opportunity for community participation in environmental planning and assessment.

To inform how social impacts should be considered, the NSW Department of Planning, Industry, and Environment released the *SIA guideline for State significant mining, petroleum production and extractive industry development* in 2017. The guideline was informed by existing good practice, expert advice, and extensive stakeholder engagement. It provides a clear, consistent, and rigorous framework for identifying, predicting, evaluating, and developing responses to social impacts, as part of the EIA process. It specifies requirements including:

- how to identify social impacts;
- how community engagement should inform SIA; and
- what information Applicants should provide in SIA documents.

The guideline therefore provides a relevant benchmark for reviewing SIA reports.

This review considers the SIA Report (November 2019) for Stockton Sand Quarry Dredging, prepared by Element Environment on behalf of Boral Resources (NSW) Pty Ltd. The Development Application is for continued and expanded operations.

The review evaluates the SIA Report's consistency with the provisions of the SIA guideline. It is limited to desktop study only, and has not independently sought the views of potentially affected people, groups, or other stakeholders.

Comments and recommendations

The Department would like to acknowledge the work put into the preparation of the SIA Report by Jamie Seaton of Element Environment. The comments below are designed to be constructive, with the objective of ensuring social impacts are adequately considered.

Engagement for the SIA

The guideline (S.2.3) requires that engagement methods for SIA comprise a range of different levels on the participation spectrum, from sharing information, to consulting, to collaborating (where the community is involved in decision-making). The methods described in Table 4 (pp. 22-23) appear to lie largely at the levels of informing and consulting. This raises the question of the degree to which affected people were genuinely able to articulate their views and influence decision-making. Similarly, the relative lack of feedback from the written methods (p.56) leads to questions about the efficacy of these methods.

It is possible that the 'in-person interactive methods' were more participatory, but there is insufficient information in the SIA Report to make this judgement. For example, at the community drop-in sessions, how were different people and groups supported to express their views, and (how) were those views used to refine the project design? It is noted that Appendix C summarises the questions and comments, but the Appendix provides only 12 questions and comments, which seems unlikely to reflect the extent and breadth of discussion one might expect over two sessions.

Overall, therefore, it is not clear whether the SIA process incorporated a "genuine attempt to identify and engage with a wide range of people" (SIA guideline, p.48).

Recommendation 1: Please review the engagement methods and either (a) provide evidence that genuinely participatory engagement activities did occur with a wide range of people and did directly inform the characterisation and assessment of social impacts, or (b) undertake further participatory engagement to meet this requirement.

It is noted that the engagement program included a facebook post, reproduced in Appendix B. However, in that Appendix, the 12 apparent comments have been removed, although they are briefly summarised on p.57. Without reproducing the comments, the post is a unilateral exercise in communication and reads more as a piece of advertising.

Recommendation 2: Please reinstate the 12 comments (deidentified), with some evaluation as to whether those comments are a reasonable reflection of community sentiment more broadly. Please also describe what effort (if any) was made subsequently to engage directly with those who commented, especially to discuss any genuine concerns.

SIA methods

Section 3.2.4 outlines methods thoughtfully and thoroughly, bringing a welcome reflexive tone to the process, and indicating a strong approach to data collection and analysis, including qualitative data. The explanations of ethnographic content analysis and participant observation (pp. 25-35) are of higher quality than in many SIAs, and the application of participant observation in particular suggests that an appropriately creative method was adopted in a methodologically challenging situation.

The explanation and justification for using a semi-structured interview is sound, and it is perhaps disappointing that this method was apparently used with only one stakeholder. While it is acknowledged that interviews with residents took place during the scoping phase, two years have since elapsed, and people's views may have evolved. Furthermore, the feedback in Table 8 (pp.41-

43) appears to discuss people's views mainly of *existing* operations, rather than how they expect to experience the *proposed* project. The same applies, though to a lesser extent, to the summaries in Appendices C and D.

Recommendation 3: Please either (a) justify why there is no need to conduct post-scoping semi-structured interviews to help understand and assess likely impacts on residents, or (b) undertake follow-up interviews to confirm scoping findings and identify any changes in people's perceptions, concerns, and aspirations *with regard to the proposed project*.

Acknowledgement of limitations is very welcome. The poor attendance at the drop-in sessions is indeed disappointing; perhaps consideration could be made to identifying a more neutral and public venue in future, given that Macdonald's cafés, while undoubtedly popular, may favour some demographic groups and exclude others.

Recommendation 4: Please identify a more neutral and public venue for future engagement activities.

Social baseline

The information provided in the social baseline (Section 5) is appropriate, but somewhat limited by its heavy reliance on secondary, quantitative data. While the baseline provides an impression of statistical demographics in the locality, it does not convey what is important to people, i.e. the things about the locality that they value and that might be affected by the project. Furthermore, the secondary data is limited to two principal sources, viz. ABS and Port Stephens Council.

The guideline (p.39) requires that a social baseline should include both quantitative indicators *and qualitative descriptions*, and should draw on both secondary *and primary* data sources. Primary data should be recent and relevant, and could be elicited from surveys, interviews, and/or other established research methods. The guideline (pp.39-40) further suggests relevant secondary data sources.

Recommendation 5: Please revise the social baseline in accordance with the guideline, to help build a picture of what people value about the locality, including any diversity in values among different groups. This could be supported by mapping any valued features on Figure 12 (p.73).

Distributive equity and vulnerable/marginalised groups

Resources projects are well known for creating 'winners' and 'losers'. For this reason, the SEARs included a requirement to pay "particular consideration to...how impacts (positive and negative) may be distributed among different groups in the affected communities." The SIA does not discuss this matter. This is important because no community is socially homogeneous, so a SIA that does not consider how/whether impacts are distributed – or experienced – differently is potentially ignoring significant impacts (positive or negative) on certain groups.

Recommendation 6: Please reassess how/whether social impacts may be experienced unevenly between different groups, i.e. distributive equity. This should include identifying any vulnerable or marginalised groups, and considering how their experience of the project may differ from that of others.

Assessment of social impacts

Section 6 discusses each impact category in turn, building on the scoping phase. It is particularly strong when reporting on outcomes of social research activities such as participant observation.

However, given the gaps identified above, it may be difficult to rely on the findings of some of these assessments. For example, if deliberate effort to identify vulnerable groups is not made, then it is unsurprising if the assessment does not identify material impacts on them. Similarly, if certain groups did not participate in any engagement, then the fact that no concerns were expressed cannot be conclusively interpreted as meaning that no concerns exist.

Recommendation 7: Please reassess each impact category once the methodological items identified above have been addressed.

Section 6 purports to apply the social risk matrix in Appendix C3 of the guideline. However, with the exception of brief mention in S.6.7 in relation to predicted economic benefits, there is no explicit consideration of the individual characteristics or dimensions of social impacts, i.e. likelihood, extent, duration, severity, and sensitivity. This means there is no transparency around the risk/significance ratings.

Recommendation 8: Please assess social impacts in each category explicitly considering the standard characteristics or dimensions, viz. likelihood, extent, duration, severity, and sensitivity.

It is appropriate that, in the presence of uncertainty around impacts on public infrastructure, a precautionary approach is adopted regarding the increased volume of heavy vehicles on local roads (S.6.3.2). The SIA Report refers to an Appendix F, but this is not provided, unless it has been moved to S.3.2.4.

Recommendation 9: Please provide Appendix F, regarding the ECA protocol and list of articles.

Positive social impacts

Section 6.7.2 acknowledges that the positive employment impacts of the proposal are limited. However, perhaps there is a missed opportunity here, because the SIA Report does not explicitly assess the social dimensions of this employment, beyond suggesting that those economic benefits may flow to employees' households more broadly. For SIA purposes, we need to understand the flow-on *social implications* of economic impacts. We cannot assume that economic gains are inherently positive socially. For example, will the additional jobs make any material difference to social cohesion among the affected communities, or to wellbeing, or to distributive equity, or to people's ability to sustain themselves? (This may be the case if any employees live in small and marginalised communities within the locality, or if any employees identify as part of a vulnerable group.)

Similarly, Section 6.7.1 identifies supply of natural fine sand for construction as a social benefit. However, according to the excerpts quoted from the Gillespie Economics report, the principal market for this product appears to be Sydney. If this is the case, then little if any benefit would be experienced in the area of social influence. To this end, this impact cannot be considered by the consent authority because it does not occur "in the locality" (see *Environmental Planning and Assessment Act 1979*, S.4.15 (1)(b)).

Recommendation 10: Please reassess positive social impacts, focusing clearly on how/whether the project is predicted to improve wellbeing in the locality.

Mitigation

Recommendation 11: Please review mitigation once the methodological items identified above have been addressed, and impacts reassessed as requested.

It is noted that, for the collection of observational data regarding unauthorised access, weighbridge staff were able to advise people to leave the area safely (S.6.5.2). This would seem to have constituted an effective mitigation measure at the time, and could be applied on an ongoing basis.

Recommendation 12: Please consider extending the use of weighbridge or other suitably trained staff to help protect the safety of the public as an ongoing mitigation measure.

Scenarios

The SIA guideline (p.41) requires applicants to consider “reasonably foreseeable alternative scenarios.” The SIA Report, in contrast, considers only one scenario – that the project is approved. A reasonably foreseeable alternative scenario would be that the project not be approved.

Recommendation 13: Please consider the ‘not approved’ scenario, and derive comparative analysis of likely social impacts, positive and negative.

Monitoring

Recommendation 14: Please update the monitoring framework to reflect and support any revisions arising from the preceding recommendations.