

## MSIA Reading Series 14

### “SOCIAL IMPACT ASSESSMENT PRACTICES IN AUSTRALIA”

Panel Speaker:  
**Allison Heller**

Moderator:  
**Dr. G Balamurugan**

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## Hard Talk MSIA

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**SPEAKER**  
**ALLISON HELLER,**  
Director, Social Value  
Engagement and Change Advisory,  
AURECON



**MODERATOR**  
**DR G BALAMURUGAN,**  
Vice President MSIA  
MSIA A004

**Edited By**

**Mohd Ihsan M.S., and  
Mohd Shahwahid H.O.  
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## **1. Introduction**

We are privileged to have with us Ms. Alison Heller from Australia to share with us information about SIA practices in Australia. Alison has worked 10 years in the United Kingdom (UK) and the rest of her career in Australia in consulting, as well as, in the government. She studied urban planning and worked on social issues, both in Australia and the UK. She was also responsible for delivering Sydney's first social sustainability policy and action plan that was done in 2018. Alison has worked in a wide range of development infrastructure project as Director of Social Value Engagement and Change Advisory at Aurecon. She's very passionate about the role of development infrastructure projects in impacting social justice and equity outcome, and in improving practices that could benefit the community. Alison has a very long working experience in the field of social sciences. She was invited as MSIA Hard Talk speaker to share the SIA practices in Australia that would give Malaysians the opportunity to compare with how it is done in Malaysia.

Ms Allison Heller thanked MSIA for the opportunity to share at the MSIA Hard Talk online discussion and has looked forward to learn more on how Social Impact Assessment (SIA) is practised in Malaysia. Her conversation covered:

- i. An overview of SIA in Australia
- ii. A focus on SIA in New South Wales state as the leading practice across Australia.
- iii. Factors Driving SIA Requirements in Australia
- iv. Changing Context For Social Impact
- v. Factors Driving SIA Requirements in Australia
- vi. SIA Legislation and Guideline
- vii. New South Wales SIA Guidelines (2023)
- viii. Case Studies
- ix. Future Directions of SIA in Australia

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<sup>1</sup> Research Officer, MSR Inspire Sdn. Bhd.

<sup>2</sup> Chair of Publication Committee, MSIA.

## **2. An Overview of SIA in Australia with a Focus in New South Wales**

Providing an overview of SIA in Australia in general and with a focus on New South Wales would have to begin by first acknowledging the aboriginal people in and the traditional land of Australia. The aborigines as the traditional custodians of the land is acknowledged. Salutations and respects are due to the elders; past, present, and emerging. Aboriginal people have held a special and continuing connection to the land, waters and communities of Australia for over 60,000 years. Much can be learned from listening to their stories and in engaging in a spiritual level to really understand the historic sustainability of the modern day. This is the map of aboriginal Australia and all of the various different tribes and cultural groups. This is a really big part of the work that Ms Heller do today in having that cultural understanding and respect for traditional owners.

## **4. Changing Context For Social Impact**

Ms. Heller deliberated on the changing context for social impact in Australia. Emphasis was given to New South Wales that has a guideline and is considered the leading practising state across Australia. A description is provided on how the New South Wales guideline is now impacting Aurecon's clients and the communities. She has shared a few case studies on some major infrastructural projects that she had worked on. She has talked about the social impact issues and outcomes, and then looking at the future, she envisaged how the social impact assessment practice in Australia would change. Owing to the significantly changing context that New South Wales in the Southeast part of the country has experienced, this SIA guideline has been derived in that context.

But certainly SIA is a growing practice and it's evolving and changing quite a lot. It is changing as community expectation is also transforming in terms of what they envisaged from development and infrastructural projects, and how they expected these projects to make a contribution back to communities. Part of the context is that we're seeing a lot of growth in the cities in the urban areas and that's leading to urban

renewal. For instance, development on industrial land in Sydney and Melbourne, is changing to residential to cater for the rapidly growing population. So in metropolitan Sydney and Melbourne, you can see there's a lot of growth. Melbourne is actually growing at a faster rate than Sydney. It is expected to reach the population similar to Kuala Lumpur's population by 2036.

So, regional areas are also undergoing a lot of change and development. What is happening in Australia now is that renewable energy zones have been announced in a number of states. Current development that is impacting regional communities are currently driven by solar and wind farms, and hydro power. So, a lot of our SIA work in those areas are around these types of development. We are also seeing fringes of what we call green fields development continuing with a lot of green housing, with a need for new infrastructure. There is a lot happening. Major government infrastructures have been delivered, health, education, transport, energy and cultural infrastructure. There is a major new cultural centre being developed in Western Sydney. A powerhouse with arts and cultural centre next to the river. That is one of the major projects I have worked on in relation to SIA.

## **5. Factors Driving SIA Requirements in Australia**

It is now trendy to see community awareness on climate change, sustainability, United Nations Sustainable Development Goals (UN SDG) becoming very much prominent in Australian lives. Communities are getting more sensitive towards developments, and that's driving again the requirements for SIA coming out of the government. Communities and shareholders are increasingly speaking the language of social value and social impact. From the point that even 10 years ago there is not a lot of understanding here. It's now a pretty common language that companies and government are speaking. Communities are raising a protest against mining activities. Certainly, many companies that are involved in mining minerals have been driven to do SIA and social strategies in response to community opposition.

Outraged communities represent the number one infrastructural project risk in Australia, and this is a very significant consideration for any approval agency. Against this background context, SIA is now being applied a lot more than it was.

Certainly, companies are looking at their corporate reporting requirements, and environmental, social and government reporting frameworks. Global companies are concerned on the need of their corporate reporting to reflect on how they take into account social impacts and social licence concerns. We're seeing clients to request for SIA even when there are not required. We have really seen quite a shift only in the last couple of years.

## **6. SIA Legislation and Guideline**

Now, moving on to the state of New South Wales, the government has introduced a SIA guideline in the mining sector in 2017. Ever since 2021, it is implied that major projects may soon have to require SIA. The government has just released an update to that guideline in 2023 beginning March. A very fresh document to work on. Any project over 30 million Aussie Dollars or of certain scale has to have a SIA. What has happened here is that government agencies is required to commission SIA, where previously development infrastructure could be embarked without having a SIA. This is a very significant change.

There is a text within the guideline specifying the existence of a framework to identify, to predict and to evaluate social impacts and propose responses. The guideline not only requires mitigation measures being proposed, but also requires the preparation of a social impact management plan that actually mentions about how to actually implement the plan and track the implementation over time. So, it stretches quite far in how it is implemented. The guidelines actually draws from the International Association of Impact Assessment (IAIA) that for a number of years have been promoting the practice and have since been evolving. The guideline is putting communities at the centre of planning. Early consultation with communities and making sure of including their perspectives into the developmental plan. This is to enable potential affected people be made aware of future plans. Future decision making, obviously would be influenced by the need to identify and assess the positive and negative impacts, specifically looking at the livelihood and wellbeing of aboriginal communities. And then enabling them to response. So, the guideline really set up these goals and putting communities at the heart of things. This is an image of

quite an exciting development that is happening in Sydney what we call tech-central. It is a new innovation and knowledge corridor across Sydney. A number of innovation corridors are being established to really drive that innovation economy. In some of these areas, the requirement is not only limited to requiring a SIA but also a health equity impact assessment (HEIA), and that has been really interesting working in that space. So, the New South Wales guideline requires direct community consultation in preparing SIA.

Previously in Australia, prior to the New South Wales guideline, there were no consistent state territory requirement, various different local government, local councils have requirement and policies, but they were very ad hoc and not policy. So, very often there were no requirement for community consultation as part of the SIA. The kind of documents being submitted were of very poor quality and not being taken seriously. This has been a very big shift that will be beneficial. From Ms. Heller's perspective, one of the most exciting things happening in the sector for sometime in the guideline is the introduction of the kind of language and concepts of social sustainability. It is actually embedded in the legislation of New South Wales. Concepts such as way of life, community, accessibility, culture, health and well-being, livelihood are now in place. Often planning decision making based on human concepts or intangible human sort of things do not always get much consideration. Concepts like sense of belonging and connection to place now have terminology that is legislated and can be demonstrated and assessed in a rigorous way. It has been a very significant change. Briefly some of the technical details of the guidelines that would be of interest to Malaysian SIA guidelines would be mentioned here.

## **7. New South Wales SIA Guideline (2023)**

In the *NSW SIA Guideline* version 2023, it is defined what were previously call factors for assessment as social elements of values, and how the people value their lives and communities. These are some of the interesting frameworks coming out of the guideline that have not be seen before. The process that the guideline set out is not just to attempt to mitigate or optimize benefit, but to really look at the ongoing management of a project. Not, just during the construction phase right through the

operation stages, it stretches out to the long term impacts of the projects. In terms of how this fits in the larger system in the NSW, there is the EIA process that runs alongside it. So the SIA would get to be submitted with the EIA and has a number of stages. The first stage is the scoping stage where an initial scoping of the key social impacts are identified with the hope to determine the extent to which the assessment gets to go ahead for further assessment of those impacts in the main report. Then the SIA management plan is prepared and may be required by the government. The SIA management plan is to say how the impacts are to be measured and monitored going forward.

Part of the initial phase of SIA is defining the appropriate study area, such is quite an interesting process, judging where the primary and secondary impacts are going to be felt. Once the study area is defined, then the customary demographic profile of the study area is analysed. Then the social infrastructure and issues analysis was conducted. This establishes the social baseline of the assessment.

From the categories of the impacts established earlier, the technical assessment process on each of these categories were undertaken. This should give the elements of the social values. According to Ms. Heller that having used and tested the guidelines in a lot of different projects, she found it is really robust. Some of the challenges are just in making sure the issues being captured in the right category. Because there is often overlap as the social society is quite a fluid thing, such as community cohesion, character, and peoples' sense of place. These are important concepts in development planning. It is fantastic to have the opportunity to actually apply a technical assessment to the various concepts and recognise they are real and important. Certainly, culture has impacts and again connection to the country. Stories of place, health, wellbeing, surrounding and livelihood being an important one because this is where social and economic intertwine and come together and where some of the real impacts on peoples' lives are in the economic realm. Decision making system should have been a separate point, because it requires the assessment of the process of decision making that has gone into determining projects, planning process stage and the processes after that. It requires the making of frank assessment of the decision-making done by the government and developer. So it is quite a powerful tool of analysis.

The guideline also has a detail appendix on community engagement describing best practice engagement, how to make sure the engagement be done appropriately tailored to that community and be affective. Then, there's a technical supplement which provides the details of how social impacts comprise of both physical and perspective / perceptions; both are equally valid when dealing with social impact. How impacts might be experienced differently by different groups of people, and tangible and intangible. What is the most interesting thing about the guideline is its explanation to clients; that assessing intangible things as well as, assessing perspectives that is just as valid as the so call objective truth. This situation in SIA is so very different to other fields.

An assessment of the likelihood and extent of the impact follows. There is a lot of detail guidance on how to make those rankings. Then the final stage of the technical ratings aspect of the SIA is the assessing the magnitude of the impacts, and to come up with a magnitude level of the social significance rating for each category of impact. It is quite a lengthy process that involves both quantitative and qualitative analysis. It certainly is an interesting process producing this sort of rating. The exercise is encouraged to be done as a team, always get together and do it as a group because it is always better not to only have a single person try to make this objective judgment.

The guideline certainly has a huge impact. Many projects that would not have been subjected to a social impact assessment, is now a requirement. This is where the consultants can then actually make recommendation on how to leverage the benefits of investment in development to make equity impacts on communities. So, it can have really far reaching consequences in terms of how those recommendations are taken up and then get delivered to the communities. This is most meaningful for communities that are impacted by development. Certainly, community engagement processes are being improved by the fact that engagements being required now for all these projects where before are not necessary. It could have been quite superficial. Government projects are now requiring SIA; so schools, hospitals, and any kind of infrastructure. That was a very interesting process when even the government agencies have to do social impact assessment now. That was contentious processes at the time.



## **8. Case Studies**

Some example case studies where SIA are needed to share with the participants of the MSIA Hard Talk.

Case study 1 is about a major investment in cultural infrastructure on a river in West Sydney. The rationale for this project was that this part of Sydney has the highest population growth, did not have a lot of this major cultural infrastructure. Most are found at the city centre. This was a very contentious project because there was a heritage house on the side that had to be demolished to deliver this museum. So there was a lot of community opposition to it. A lot of concern about the impact on the sense of place, about the loss of this historic house. Ultimately what has happened is very unusual. The government deconstructed the historic house and now it's going to be rebuilt on a different side in that community, but a lot of this came about through the community perspectives on the development and the decision-making process, which was really impacted by that. It was a challenging project because of the level of community opposition. So it was necessary to make sure that it was a very robust report that accurately reflected those community perspectives and accurately reflected the government's endeavour, and really tried to come up with a very fair assessment of the impacts of the project both positive and negative.

Case Study 2 is on the Sydney Metro West. There was a lot of new rail infrastructure going to Sydney at the moment which is really exciting because it is really needed. There has not been much investment in rail infrastructure in New South Wales, and probably in other states in Australia for quite a long time. So, this is a major project that is connecting central to western Sydney and 18 stations along that route. A social impact assessment for this project was conducted for all the construction stages of this project. The interesting thing about this project, it was for the first time any transport infrastructure had been subjected to this guideline. So, it was testing out the guideline on this major project, and lots of interesting and challenging conversations along the project constructions. It was a really learning curve for the whole team involved in that project.

Case Study 3 is a private sector development in inner Sydney Harbourside by a major developer called Merbeck. They were building a lot of podium level open space and really trying to green that area. It was a very different development to what it was previously. Again a challenging social impact assessment was needed because of the level of opposition. There was quite a lot of resistance to development behind the community's neighbourhood, very concerned about the density but this scheme has been really well designed to protect their amenity despite having the tower. The interesting thing is again having hospitals subject to social impact assessment is something that was not necessary before. There are people who said a hospital is a good thing it's a social infrastructure so why would there be a need to assess the impacts. But at the same time the project would need to have a major construction process happening and there was always ways to optimise benefits.

## **9. Future Directions of SIA in Australia**

Where social impact assessment (SIA) practices are heading in Australia are changing the way social sustainabilities are being implemented. SIA is a fantastic tool to gather a lot of evidence to really enable government agencies or private developers to understand the social context they are operating in and to understand the social issues that exist in the place of the project. SIA will tend to empower development to then attempt to actually impact communities in a positive way, because many of these developers are being required to demonstrate positive social impact through their business strategy or corporate reporting. There is a really powerful alignment happening where those multiple pressures are leading to some really good positive outcomes for communities.

Taking the Sydney Water Authority, the government agency for water delivery as illustration. Its projects need social impact assessments and SIAs would really link very closely with their actual corporate strategy of delivering sustainable water services for the benefit of the community, and put customers front, back and centre to contribute to liveable cities so their whole mission statement is about social sustainability. By having SIA reporting the organisation could now make that

connections which it may not before. Often when SIA reporting is prepared, it is really intriguing at the kind of information gathered. The organisation was actually interested and often saw a light bulb go on in their heads. It felt like it understood what social sustainability is all about.

The positive ripple effects of the above are really deep. Adopting social values, looking more broadly, are the taking of a more proactive approach from the earliest stage of a project and not waiting for social impact assessment requirement to then get involved. To try influence the design of that project to deliver the positive social benefit. That's a lot of the work to do early on to avoid the need to do a social impact assessment later on. This can ensure of getting the best social impacts from the very beginning, which will make it a lot easier when it comes to the SIA.

The corporate strategy agenda is to look at the demand of project delivery and the kind of expectation of communities, all coming together to drive innovation and new approaches. Ms. Heller is very passionate about the Anne T. and Robert M. Bass Center for Transformative Placemaking at Brookings that aims to inspire public, private, and civic sector leaders to make transformative place investments that generate widespread social and economic benefits in the US. This centre has a framework called 'Transformative Placemaking' and it's really a social and economic sustainability framework for development and urban renewal that looks at how to improve equity outcomes for local communities and how to improve social economic outcomes for local communities who are disadvantaged when delivering development. This framework she applied on the project she's working on to ensure an integrated framework developed for a government project. She thinks the framework is really powerful and will pull the understanding and analysis of social value up-front in a project. This will see more and more projects having a social-economic and environment sustainability framework developed from the start.

Any of the assessment tools like health impact assessment (HIA), SIA, social sustainability strategies, social procurement strategies, are best applied in the earliest possible stage. The conversation on SIA is about improving community well-being and resilience for current and future generations, guiding projects optimizing social and economic outcomes and then explaining the use of a variety of tools to do this. From a social justice and equity perspective, and really just to finish up, any of the

work to do in this space is to innovate, improve practice, and doing it for the current and the future communities. In doing SIA, the theoretical work and practice would have very real impact.

## **10. Questions and Answers Session**

Dr Balamurugan: Are there specific legislation on SIA in Australia? Or is SIA picking back on the EIA legislation?

Ms. Heller: Typically consideration of social impacts does go back to environmental assessment processes and requirements. It's only in New South Wales where SIA as a specific process in and of itself has been legislated. Otherwise, it's typically a consideration or a component of EIA. But the reason New South Wales is so different is because now it's legislated here. So only in New South Wales there is legislation on the SIA. But we're now applying that guideline in other states because it is so good, but they have not legislated it.

Dr Balamurugan: You have made a point in your second or third last slide that the social impact of social engagement to start as early as possible in the project planning cycle, right? That's ideal. But I suppose you do get cases where everyone forgets about it, and it becomes an afterthought, which it happens very often in Malaysia.

Ms. Heller: Yes, it so happens here as well and what we're trying to do is have more of the conversations with project teams and with clients early on to take that approach. Not all of them want to do so, as some of them just want to get the report done at that stage. But if it's a major project because they are reporting requirements now and the ongoing requirement is just so significant, they usually take more cautious approach in wanting to have a look at all of that much earlier in the process, so they don't have to change things in the development later on.

Dr Balamurugan: How is the review process once you submit the report? Do you have to present it to a committee or a panel or how does that work?

Ms. Heller: It goes a different way in different states. In New South Wales, it will get submitted to the Department of Planning. That assessment team will get it assessed along with the EIA. A certain number of SIA from that pool will get transfer across to the specialist social impact team in the department for more rigorous assessment. So that's a kind of random audit process that happens and sometimes your SIA will get put across into that specialist team. You will receive detailed feedback once the Department of Planning has assessed it and then you have to respond to their feedback. So the different ways you can respond to the feedback is by producing addendum to the report that addresses each and every question or you can revise the report and resubmit but it is quite a rigorous process. And that's where any clients who might say, can we just skip the community consultation part, is there a way to get around that, we actually say no because it's too risky you actually need to get this approved by the department.

Dr Kuppusamy: Has there been any experience in Australia whereby SIA has found valid reasons to disapprove a project, and if yes on what basis?

Ms. Heller: That's a very interesting question. There has been a major project disapproved in the last year in a rural area. It was a mining project in an area where there was a lot of mining activity. It was disallowed by the plan, so the government has set up these independent planning panels in areas where the local councils probably are not equipped to deal with very large and significant applications. So it was assessed by the independent planning panel of experts. It was disallowed on both social and environmental grounds but the social grounds were part of it. I can get back if you like this specific details of that. I think that I'm not aware of others where it has been not allowed on purely social grounds. What I have seen though is very specific conditions attached to approval that are quite rigorous that mean if that development goes ahead, they need to do quite a lot of social impact management and reporting as a requirement of approval.

Lee: In the table or matrix on the magnitude levels, one of those transformational impact was mentioned to affect more than 20%; how is that 20% being calculated?

Ms. Heller: Yes, some of this has been quite contentious, it is quite a good pick up because trying to put a very accurate number on these sorts of things is not really appropriate. The way we have looked at this before is when we define the primary study area and the secondary study area, we produce custom demographics of that particular catchment, we draw from census data to build up a custom population for that catchment, so we would be able to say that in our assessment, we would think, more than 20% of that catchment of people in that primary study area are impacted. Sometimes it can relate to the secondary study area, but it's not an exact science and the times that I've applied this it has been based on assumptions and estimates. It's probably one of those strange ones which we are trying to fit the sphere of the social to numeric. It's really quite rare that we would rate its transformational impact. When we have it's been absolutely significant and you would say that absolutely the majority of people are affected. So I had never really had to test that 20% rule in a very specific way, if that makes sense.

Lee: What's the typical duration of SIA process from the start kick-off and until the final decision approval or rejection by the authorities?

Ms. Heller: It really depends on the scale of the project. So for example, the City Metro West SIA that was probably about six months of working analysis, and then that was submitted, the decision came within six months. But that decision-making process could also be very varied. With some of those other sort of moderately-scaled infrastructure projects like the major new hospital or the new Museum of Arts, those would have taken probably, a couple of months working on the baseline, then we would go into the engagement process which could take 6 to 8 weeks or sometimes longer depending on the extent of engagement the government would like to do. Once we have the outcome to engagement analysed, we would then complete the assessment probably in another month and then submit. So all are probably three to four months to do all of those. There are others we would have them done typically would say with the engagement not less than three months to submit the draft report.

Dr Mohd Shahwahid: In Malaysia, there is a move now by the Malaysian government authority that new projects would have a lot of impacts, and government agencies do

not have the manpower to actually monitor the implementation or the various mitigating measures highlighted in the SIA report. So, the government now is buying the idea of self-regulation and self-monitoring by the project proponent itself. Rather than asking the government to be the watchdog, a monitoring committee will be set, and this committee may only meet maybe six months once, but they expect a monitoring and implementation report from the project proponent for the committee to vet through and see progress of implementations and monitorings. In other words, the agencies do not have to actually move to the ground and check project my project. What is your opinion on this? Would this be effective or not? Or is it being practise or not in Australia?

Ms. Heller: That's really interesting. It is now in effect something not dissimilar in Australia. Well certainly its implemented in New South Wales associated with this guideline. Previously once they had the development approval, that was the end of it. There was no sort of further requirements. Now with the New South Wales guideline, there is this requirement that sometimes can be conditioned on the development consent for a social impact monitoring plan. There has been a lot of debate about this because the developers or the agencies are saying, well actually once I have got my approval that is where the role of the department of planning should finish and why do I have to monitor and report on goings that go beyond where that agency should be able to enforce. But we have seen it enforced. So one of these projects is the Sydney Football Stadium, that is required to produce an annual monitoring report back to government, to talk about how they are managing community issues. So the main issues are there; the noise of people leaving the stadium and anti-social behaviour. We had done some work for them on reporting back, so doing the monitoring and reporting back, they have to fund it. But they don't like it and most of it is not usually conditioned, and I think that if it is conditioned, the client typically will try to do something that is meaningful and will give some meaningful data. I haven't seen anything other than that, but it's unusual and it is quite contentious.

Dr Mohd Shahwahid: Basically it can work?

Ms. Heller: I think it can work. In my experience, they had to have an approach that was reasonable and robust and could be reviewed by the community. They had to get

that report ticked off every year, so they kind of had to do it. I think what is more effective is if for example the client has its own social value strategy where it's actually trying to deliver community benefits and it can use that as an opportunity to measure and demonstrate the positive things it is doing in the community, so link it to the corporate reporting so it is actually benefiting the client as well. So that is a better approach but we don't see it a lot, conditions on development.

Dr. Gobi Krishna: Are there so-called qualified persons who are qualified to do an SIA in Australia? Is there a registered or department that monitors these people?

Ms. Heller: That's a really good point and I forgot to mention that. Yes now the New South Wales guideline does require qualified people appropriately qualified people to prepare SIAs. That in the front of the report you need to set up the qualifications and expertise of each member of the team. This has made them an appropriate person to conduct an SIA. This is excellent because previously everyone is having a go at it and the report probably was not of the best quality. So it has been good they would just check that as part of the assessment of the SIA once they receive it. There is no full qualification process we need to go through, but we need to demonstrate appropriate types of qualifications, so an experienced certificate would look to have a social researcher along the team, it may be an anthropologist or different sorts of skills and experience.

Dr Balamurugan: There's a question about fees. How much is the range of cost for an SIA?

Ms. Heller: Typically, I would say if it was a major project, there's quite a lot of work in that and plus the engagement process, so depending on the scale of the engagement process probably starting it about A\$ 40 to 45 thousands, and then depending on how large that project use it could go up from there. On a small project that is not necessarily subjected to the guideline, but it might be subject to the local council policy that's less rigorous, and it's a smaller scale project probably A\$30 to 35 thousands, is probably a kind of going-bucket rate for those smaller projects. But some of the larger ones are very significant.



Dr Balamurugan: You mentioned about the depth of the engagement, could you perhaps give an example for a large projects, how much engagement would you do, how large a survey or how many workshops or dialogues, the idea of a typical of a large project?

Ms. Heller: Maybe I can talk about the Powerhouse project that we did because the government wanted that to be very broad ranging engagement. So for that, we had a range of methods. We did for the primary effect study we did a letterbox drop and people are invited to attend information sessions, we did have mix of online and in-person information sessions, and all sorts of kind of things where people can come. It's like an exhibition, there are lots of information collected, we have technical experts present, so if they want to ask about traffic, they can ask about traffic or special things. These are the more specific for the directly affected community members. We also then did more broad-ranged engagement for the local community. So we would be out in the shopping mall, having a pop-up stall, anyone could come and ask questions. We do a survey, so we did use a survey for that. We ran advertisements in the newspaper, we use channels like the local council's information channels to give information. We encourage people to send in responses so we use a whole range of methods. For the Sydney Metro West project, that was very different because government was undertaking very specific and structured process. So we didn't run that ourselves, we actually just informed that process and the kinds of responses to the questions the government were asking were then use in our social impact assessment, so we didn't run the engagement ourselves. So it really varies from project to project. There's a certain amount where you have to engage with the directly affected community members and at a minimum, that's usually a letterbox drop of that initial primary study area. And inviting people to information sessions online or in person.

Dr Gobi Krishna: Regarding the boundary for a zone of influence. Currently we have no any specific kind of calculation or justification for the boundary. It could usually be within a minimum of 500 meter or up to 5km, and some can go beyond 5km. So, any comments on that compared to what you have done in Australia?

Ms. Heller: It's really interesting to compare actually that you're using similar. Typically a primary study area for a fairly large project but not something that's going to impact for miles and whole neighborhood, would base it around 800 meters for a primary study area. Then, the secondary study area we would look at what kind of issues and impacts would that development have. So that would be a district, would it be a local government area, could not be even broader that would have been the whole region so we do not have a fixed sort of five kilometer radius for the secondary study area. It's more about probably a district catchment. So it's probably roughly similar we would just define it based on often government boundaries. Interestingly in social infrastructure planning, we work at 800m - 5 kilometers consistently, so they're very similar. It is interesting because I mean I always like to discover when something just it must make sense logically, because different areas come up with the same sorts of catchments.

Dr Balamurugan: There are lots of similarities between what you're doing and what we are trying to share of the challenges and approaches we faced. One more question, when you deal with indigenous communities are the approaches different? Are you more careful?

Ms. Heller: Yes, they are different and really glad you ask this actually because it is a really important question. We would often work with an indigenous consultant who is connected to that community, has connections, has trust with that community, so that we can make our enquiries in the right way. That we can get some meaningful feedback because there is a level of trust that will enable communities to engage. We also have sort of principles that we work, in terms of how we would approach the engagement process in a slightly different way. For example, in my previous work, the key is having the right partner to work with to engage with those communities. The usually preferred approach is to work with an aboriginal partner on those projects.

On Helena: Do you have any kind of association representing social impact practitioners in Australia?

Ms. Heller: We don't have an Australia state-wide one, but we do have a New South Wales group, so I'd love to invite you to come and speak at our New South Wales group. Because there is a practitioners group in New South Wales that works with the guideline. So, I would love to invite someone to come.

Helena: Do you have any kind of competency assessment for them to become a practitioner by the government agencies?

Ms. Heller: Yes we do. So, when we are applying the guideline as in the New South Wales guideline and legislative guideline, we have to demonstrate that we have the right skills, experience and capabilities, including qualifications to undertake SIA and that is a new requirement. This is good because it is improving the quality of the SIA reporting and practices.

Pn Helena: Right, so we're having a similar one in Malaysia that is under the town and country planning department.

Ms. Heller: Alright. We do not have to be accredited but we have to demonstrate it when we put the report in, that we are appropriately qualified. They will agree or not agree.

Dr Gobi Krishna: I'm looking at the angle where some of us here, I believe that some of my colleagues here, so among the colleagues here are part of review committee in the government agency. So there are some situation that the objections or maybe the rejection of the project from the responders sometimes can go more than 60% or 70%. So lets say in Australia, how do you tackle this kind of issue? Maybe to determine whether we can approve the projects or report? What will be the effects lets say the government decided to approve, when there's quite a high number of objections during the survey?

Ms. Heller: So, for example if you had 70% of the community responders were against the project, you have to make a judgment on whether or not to approve the project on the grounds of all of the information. In that case would you typically approve not approve would depend on the project. I have not been on the assessor

side, but I do know that there have been numerous projects approved where there was a high level of community opposition. That is quite complex and I have in recent years produced an SIA where there has been an extremely high level of community opposition to the project, in that case we weigh to the best of our abilities as a group of professionals all the evidence before us, which are the drivers or need or demand for the project to occur. How well the impacts can be mitigated, all of the technical reports provided inputs on how that development will be delivered and managed. Then we weigh up all of the evidence of community consultation and we consider as part of that if the volume of respondents, if 70% of respondents were against it. But if there was only 200 respondents out of a community of 20,000, then that again is part of our decision-making process. Understanding that there's a high level of opposition expressed but possibly from a small or maybe a large number of people, it really depends. But then it is like very challenging and subjective process of weighing up all of the perspectives, all of the evidence and ultimately coming into a decision on whether we think that, obviously we are not approving project, but in our ultimate assessment of social impacts where do we land. Having weight all of that up and the one that I mentioned we worked on was very challenging, and as a team we really worked through every rating extremely carefully as a group of people to really try and just do the best we could and make the best judgment that ultimately we could.

Vitalis from the Environmental Protection Department of the State of Sabah: With the new legislation, do you encounter that sometimes projects have already been set, and the design is set, and budget admitted, especially for government projects. Sometimes lets say if the findings of the SIA cannot be complied, does the project needs to be resubmitted, does the project need to be move forward or how? And the second question is do you have any specific agency that will monitor, so that the project proponent complies with the outcomes of the SIA, because the social aspect involve many sector or even many agencies involved. So how will that be monitored and for that proponent to comply?

Ms. Heller: In terms of the ultimate monitoring and management, because a lot of the construction impact management aspects of what we would typically recommend to mitigate are social impacts during construction processes, they will be monitored and

managed by the Environmental Protection Authority. So, even though the impacts from our perspective as the management of them is an environmental one, so that is all covered through legislation and regulation. If there are other types of social impacts that are not necessarily link to an environmental or construction impact, the way that potential social impacts are monitored is through the Department of Planning when they assess the application they assist the EIA and the SIA, they may condition the ongoing monitoring of community impacts. We have worked on a few where they said as part of their conditions of approval that organisation has to have a plan for how they're going to manage impacts on communities going forward and report back on that. They have to then usually without help come up with some kind of plan that is achievable for them to monitor impacts ongoing basis. This involves one of the major ones I have mentioned earlier involving a sports stadium in the middle of the city. They had to really have a clear plan in place on how they're going to monitor anti-social behaviour and manage anti-social behaviour. And any incidents were recorded reported back on, community members were surveyed every year on how that was going. So it was actually quite ownerous but it ended up being a requirement of consent.

On the other question, once we submit the SIA we would advise the client if there are things that we think are very significant aspects of the project that would need to be amended. I haven't had that experience. I have had the experience where the social infrastructure they were proposing to provide was not adequate, and that has been something where they have had to go back and change that. Make a change, but usually what will happen is once the SIA is submitted, that it will get reviewed by the Department of Planning, there has to be responses on any major issues that they have identified in their SIA. They have to come up with a set of responses so we then need to work with the client to say how would they respond to those issues raised by the department to get them adequately resolved. Then they would not get an approval until they have demonstrated effectively how they get to resolve them.

Dr Balamurugan: There is a question on scale of fee, what exactly can be done against members who are consultants who undercut fees to produce the SIA reports, and secondly because this is related to very low fees that affects the quality of reports. Would you have any idea how to address this?

Ms. Heller: It is really challenging. We work in project areas where the guideline is not legislated but it just might be a local council policy. So there is less rigor on the assessment process. Something that was poor standard or quality could be submitted and probably be okay. In that case, we typically will compete on the going rates in that market for those kinds of projects, but we will accept it if we are undercut. We have a minimum professional standard that we would be comfortable delivering on and we know that our reputation is ultimately what's going to get us a good work pipeline. So, we would let some of those SIA go to other consultants if they are prepared to really do it for a cheap price because we know they cannot do a good job for that price. Certainly when it comes to the New South Wales guideline, because it is legislated, the assessment process is so rigorous. We find that we are pretty much in the ball-park on fees. The other consultancies are pretty much competing on the same phase because you couldn't do it any less, and actually satisfy the requirements for guideline to get approval. So it is more in those areas where it is not legislated that we sort of know what the market price is. If we don't think we can really deliver fairly any cheaper than we can, we would not sort of put a quote in. Hopefully there is less and less of that because I think the quality that is being expected by government and by community members is much higher now. So, I think there is less acceptance of a really poor quality SIA which is good.

Dr Balamurugan: I would ask you to share with everyone what has been your most difficult experience in this most difficult challenge in doing SIA in Australia in the recent years?

Ms. Heller: That's a really good question. I think I found very difficult challenges, one was the project I mentioned that was extremely contentious in the community. We had to weight that up in a very-very careful way. It was also going to go to a legal process. What was difficult about that was wanting as professionals to make the best possible careful judgment, and get that right to the extent that you can say it is wrong given it is a very subjective area. That wanting to be fair to the community and the people who felt very opposed to the development but also needing to take in all of the evidence to come up with our assessment. That was difficult from a professional point of view of just wanting to work extremely carefully through that process. It was a big

learning curve for the whole team and we all had to feel as professionals at every level of that team right from the junior consultant right through to everybody. I said, everyone has to feel comfortable with where we have landed with and that you could stand by that judgement, so that was really challenging. I think the Sydney Metro West rail infrastructure social and practice assessment was really challenging because it was the first time these concepts and things had been applied to on a rail engineering project. I remember having conversations with the engineers on the project, they are like, how can you possibly assess the sense of belonging, connection to place, like what is that all that you cannot put a number on that, that's ridiculous. So having to do that process of really collaborating working with them. By the ends of that lengthy process. They were really open and understanding and I think it's like sometimes you have to go in the journey with the client and really work closely on the issues.

Dr Balamurugan: We have come to the end of our Hard Talk session that has been extremely interesting and I think valuable to me, and should to everyone else. We thanked Ms. Heller for informative conversation and discourse with us.

## **Conclusion**

This MSIA Hard Talk session has provided a comprehensive exposition on the practice of SIA in Australia, particularly at New South Wales state where a dedicated guideline was legislated in 2023. The process that the guideline set out is not just to attempt to mitigate or optimize benefit, but to really look at the ongoing management of a project. Not, just during the construction phase right through the operation stages, it stretches out to the long term impacts of the projects. The sharing session suggests that there are lots of similarities between the Australian and Malaysian experiences in SIA requirements in terms of the challenges, matters and issues faced. Not many countries in the world has such a rigorous SIA process as both countries, most of them tend to be subsumed within the EIA process. Really very few countries have legislature on this. Therefore, the experience that was shared has been valuable for participants.

**Acknowledgment**

The contributions and deliberations of the panelist and participants during the MSIA Hard Talk Session Series 03/2023 session are very much appreciated.

**Disclaimer**

In the spirit of inclusivity and transparency, MSIA is open and frequently invites experts of various fields and stakeholders to share their perspectives on how the SIA processes can be more effective. Their views are analysed and reported. Any views and assumptions expressed however are solely those of the authors and do not necessarily reflect that of MSIA.