Planning (Social Impact and Community Benefit) and Other Legislation Amendment Bill 2025

Submission No: 423

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Publication:

Attachments:

Submitter Comments:

Submission for the Planning (Social Impact and Community Benefit) and Other Legislation Amendment Bill 2025

State Development, Infrastructure and Works Committee

Due: 21st May 2025

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Executive Summary

This submission is provided in response to the *Planning (Social Impact and Community Benefit) and Other Legislation Amendment Bill 2025*. While the Bill introduces important measures to improve planning accountability—such as Social Impact Assessments (SIAs) and Community Benefit Agreements (CBAs)—it does not go far enough to ensure robust protection for Queensland's communities, natural environments, and planning systems.

The submission identifies key legislative gaps and proposes targeted reforms, including the establishment of independent oversight bodies for both social and environmental assessment processes, mandatory cumulative impact mapping, and strengthened governance of Economic Development Queensland (EDQ). It highlights the risks posed by large-scale infrastructure and renewable energy rollouts—particularly in Priority Development Areas (PDAs)—and cautions against fast-tracking Olympic infrastructure at the expense of environmental safeguards and public input.

Recommendations are informed by best-practice models from Canada, Scotland, South Africa, and New Zealand, and are grounded in the principles of transparency, procedural fairness, and long-term resilience. By implementing these measures, Queensland can improve community trust, reduce project risks, and ensure that planning decisions deliver equitable and sustainable outcomes across the state.

These reforms are essential to ensure that Queensland's planning decisions are not only effective and efficient but also equitable, evidence-based, and environmentally sound.

1. Introduction and Purpose

This submission is provided in response to the Planning (Social Impact and Community Benefit) and Other Legislation Amendment Bill 2025, currently under consideration by the State Development, Infrastructure and Works Committee. As an advocate for responsible planning, environmental protection, and the rights of rural and regional communities, I

welcome the intent behind this Bill—particularly its recognition of the need for social impact assessments (SIAs) and community benefit agreements (CBAs) in planning decisions.

However, for this Bill to meaningfully protect Queensland's natural and social landscapes, it must go significantly further. Over the past decade, Queensland has experienced an unprecedented surge in large-scale development—from renewable energy and infrastructure to housing and Olympic-related construction. These rollouts have often occurred with limited oversight, fractured consultation, and exemptions from core environmental laws. The effects on farming communities, biodiversity corridors, traditional lands, and local water systems have been profound.

As of February 2025, there are 3,365 wind turbines proposed across the state, delivering a nameplate capacity of approximately 22,874 MW. Notably, the MacIntyre Wind Farm, currently the largest operating wind farm in the southern hemisphere, is set to power 600,000 homes upon full completion.

Additionally, the Brisbane 2032 Olympic and Paralympic Games infrastructure plan includes a $7.1 billion capital works programme, encompassing new and upgraded venues and transport projects across Queensland. These developments underscore the rapid growth in large-scale projects, highlighting the need for robust planning and environmental oversight.

This submission highlights the strengths of the Bill but also identifies legislative gaps that must be addressed. It offers evidence-based reforms including the establishment of independent scientific and planning oversight bodies, enforceable SIA processes, and improved governance frameworks for entities like Economic Development Queensland (EDQ). It also calls for mandatory cumulative impact assessments and greater transparency around land use, approvals, and decommissioning obligations. It also seeks to support a planning system that restores public trust, promotes procedural fairness, and protects Queensland's long-term environmental, cultural, and economic wellbeing.

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2. Support for SIA – But Reform Is Critical

The inclusion of Social Impact Assessments (SIAs) for large-scale developments such as wind farms and solar projects is an overdue and welcome reform. However, to ensure these assessments achieve their intended purpose of safeguarding communities, the SIA process must be reformed to incorporate independence, rigour, and enforceable oversight mechanisms.

Why Reform Is Essential

In its current form, the SIA requirement can too easily become a box-ticking exercise if assessments are conducted by consultants paid by the project proponents. This introduces a direct conflict of interest, where findings may be shaped to favour project approval rather than reflect real social risks. Communities impacted by large-scale industrial development routinely report a lack of genuine engagement, misleading representations of benefits, and systemic failure to consider long-term social degradation.

Community Benefit Agreements (CBAs), while a promising mechanism to ensure tangible local returns from major infrastructure or energy developments, currently operate without a clear or enforceable legislative framework in Queensland. In most instances, these agreements are voluntary and negotiated directly between proponents and selected community stakeholders. This creates variability in scope, quality, and transparency, with no guarantee of delivery or independent enforcement. Without statutory guidelines outlining minimum standards, public disclosure obligations, or compliance mechanisms, CBAs risk functioning as tokenistic public relations tools rather than genuine vehicles for social equity. The Bill presents an opportunity to legislate CBAs as binding instruments—requiring public registration, independent oversight, and mechanisms for community enforcement where commitments are not upheld.

Reforming the SIA process to be fully independent and inclusive provides a structured, evidence-based method for understanding how major developments affect social cohesion, health, employment, housing, and the local economy. These reforms not only protect vulnerable rural and regional communities but also reduce the risk of project delays and backlash caused by inadequate early consultation.

How to Strengthen the SIA Framework

To ensure the integrity and utility of SIAs, the following mechanisms should be mandated:

- **Independence of Assessment**: SIAs must be undertaken by third-party experts approved through a public registry overseen by a new statutory authority or independent Social Impact Ombudsman. Proponents must not be allowed to hand-pick or remunerate assessors directly.
- **Inclusive Community Consultation**: Affected landholders, Traditional Owners, small businesses, local service providers, and vulnerable populations must be actively consulted. The process must include public meetings, written submissions, surveys, and interactive mapping tools, with findings published prior to project approval.
- **Transparency and Enforcement**: SIA findings must be published in full, with raw data accessible. Recommendations should be enforceable via legally binding social impact conditions attached to planning approvals.
- **Creation of a Social Impact Ombudsman**: To ensure the integrity of the Social Impact Assessment (SIA) process, the establishment of a Social Impact Ombudsman should be legislated, modelled on existing statutory oversight bodies in Queensland such as the Health Ombudsman and the Queensland Human Rights Commission. This office would be responsible for maintaining a public register of accredited SIA practitioners, auditing the quality and independence of submitted SIAs, investigating community complaints, and monitoring compliance with approved social impact mitigation measures. Crucially, the Ombudsman must be granted statutory powers to compel the disclosure of information, suspend project approvals pending investigation, and refer serious breaches to enforcement agencies. This structure would safeguard the public interest, promote procedural fairness, and embed a layer of impartial oversight essential for high-impact development proposals.
- **Integration with Planning Law**: SIAs should directly inform zoning, conditions of approval, and project suitability assessments, particularly in greenfield, food production, or high-biodiversity areas.
- **Cumulative Impact Mapping**: All proposed developments must be assessed not only in isolation but in combination with other nearby or regionally relevant projects. A

cumulative impact register must be developed and maintained, using geospatial mapping to provide visual representation of the extent of ecological, hydrological, social, and economic stress.

- **Establishment of an Independent Scientific Oversight Body**: A new scientific authority must be legislated to oversee cross-disciplinary impacts including but not limited to:
    - PFAS and chemical leaching
    - Groundwater and surface water contamination
    - Vibration and acoustic impacts on health and wildlife
    - Heat island effects and land surface temperature rises
    - Microplastic and fibre shedding from industrial infrastructure
    - Airborne and soil-based toxins related to construction and decommissioning

This body must have investigative powers, the ability to halt or recommend suspension of projects, and must report findings to both Parliament and the public.

Benefits of Reform

A reformed SIA process would:

- Improve social licence for infrastructure and energy developments.
- Reduce legal disputes and project delays arising from community objections.
- Protect vulnerable communities from displacement, economic loss, or cumulative harm.
- Promote equitable distribution of benefits, including jobs, training, housing, and services.
- Build trust between developers, governments, and the public.
- Allow planners and environmental regulators to make science-based decisions grounded in cumulative risk assessments.

Only with these safeguards will the SIA process provide the meaningful community input it promises.

International Case Studies

Canada – Impact Assessment Act (2019)

Canada's federal legislation mandates independent social and environmental assessments for major projects, with a strong emphasis on Indigenous consultation and public participation. Assessments are reviewed by the Impact Assessment Agency of Canada, which is independent of project proponents. Projects have been modified or blocked based on the social and cultural harms identified (IAAC, 2021).

Scotland – Social Value Legislation

The Scottish Government requires public sector investments and planning decisions to consider social value, including community wellbeing, resilience, and cohesion. Renewable projects in sensitive areas must demonstrate a net positive social outcome, which has improved long-term acceptance and reduced legal challenges (Scottish Government, 2020).

South Africa – SIA in Mining Permits

South Africa requires SIAs for mining operations to be independently verified, with explicit community benefit requirements and stakeholder mapping. This model has improved post-project rehabilitation planning and community resilience (Department of Mineral Resources, South Africa, 2018).

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3. Community Protection Requires Independent Oversight

The legislation should go further to protect communities from the increasing number of large, industrial-scale renewable energy projects. Lessons from the mining sector show that proper checks and balances are critical.

Why Independent Oversight Is Needed

Currently, communities often find themselves sidelined during the approval and implementation of major infrastructure projects. Without independent oversight, the interests of regional landholders, Indigenous communities, and small agricultural operations are frequently compromised in favour of speed, scale, and investor returns. Inconsistent application of policy, exemptions from key environmental frameworks, and a lack of meaningful redress further entrench the sense of powerlessness experienced by affected communities.

An independent oversight mechanism is essential to provide an impartial review of development impacts, uphold the principles of fairness and due process, and empower citizens to participate meaningfully in decisions that affect their land, water, livelihoods, and health.

How to Establish Oversight Mechanisms

To ensure community protections are embedded in both planning processes and enforcement regimes, the following measures must be adopted:

- **Legislated Right to Community Consultation**: Community engagement should be continuous, not limited to the early planning stages. Legislation must enshrine the right of communities to be consulted at all key milestones, with proper notice periods, accessible information formats, and the ability to respond without intimidation or disadvantage.
- **Creation of an Independent Planning Oversight Authority**: This authority must have statutory independence and jurisdiction across all development sectors. It should:
    - Review and assess Environmental and Social Impact Assessments.
    - Hear and respond to complaints about project conduct.
    - Initiate investigations where cumulative impacts, conflicts of interest, or irregular approvals arise.
    - Recommend penalties or enforcement actions, including halting projects where appropriate.

- **Establishment of a Community Advocate Role**: Modelled on ombudsman structures, this role would support individuals and small landholders in navigating planning laws, lodging formal complaints, and seeking remedy where procedural or material harm has occurred.
- **Mandate for Project Transparency and Data Disclosure**: All project data—including social risk mapping, acoustic/vibration reports, water use modelling, and biodiversity impact forecasts—must be publicly accessible before project approval. This ensures that community consultation is grounded in full knowledge and disclosure.
- **Legal Mechanism for Project Suspension or Withdrawal**: Legislation must empower regulators or oversight bodies to suspend projects if conditions are breached or if post-approval data shows significantly underestimated impact.

Benefits of Independent Oversight

- **Restores Public Confidence**: Independent review reassures citizens that development outcomes are not politically or financially predetermined.
- **Reduces Litigation**: Transparent and accountable planning processes reduce the need for costly and adversarial legal action.
- **Strengthens Local Democracy**: Providing communities with a voice in infrastructure decisions encourages social cohesion and investment alignment.
- **Protects Long-Term Land Use Value**: Oversight mechanisms preserve the viability of agriculture, tourism, and natural ecosystems by preventing inappropriate or irreversible development.

International Examples

- **New Zealand – Environmental Protection Authority**: The EPA operates independently and plays a key role in consent processes for major projects, with a focus on Māori consultation and sustainable development.
- **Germany – Federal Network Agency (Bundesnetzagentur)**: Ensures grid and infrastructure projects are planned in a way that balances energy policy, environmental protection, and public interests.
- **Norway – Planning and Building Act Oversight**: Requires extensive public consultation and allows national environmental agencies to intervene where local decisions threaten ecological balance or cultural landscapes.

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4. Governance Failures in the EDQ Framework

The proposal to grant the Governor in Council sweeping powers to remove the CEO or board members of Economic Development Queensland (EDQ) at any time represents a profound governance failure that undermines public accountability, professional independence, and long-term planning integrity.

Why This Is a Serious Concern

EDQ is a government business unit responsible for delivering strategic urban development, infrastructure coordination, and Priority Development Areas (PDAs). Its work affects large tracts of land, regional planning, and billions in infrastructure spending. As such, it should operate with the highest degree of independence from short-term political agendas.

Currently, EDQ is housed within the Department of State Development, Infrastructure, Local Government and Planning, and board appointments are made by the Minister. However, this Bill proposes to expand executive control further by allowing the government (via the Governor in Council) to remove any board member or the CEO at will.

Such unfettered authority compromises EDQ's ability to function as an expert-led, apolitical body. It opens the door to politically motivated purges, the replacement of competent leadership with partisan loyalists, and the erosion of professional standards within an agency whose decisions have far-reaching consequences.

EDQ's PDA Powers and Local Planning Bypass

A key concern with EDQ's role under the current legislative framework is its broad authority over Priority Development Areas (PDAs), which allow state-led planning to override local government planning schemes and public input processes. Once an area is declared a PDA, the usual requirements for community consultation, appeal rights, and compliance with local planning instruments are significantly reduced or excluded altogether. This creates a parallel planning track that can fast-track development without adequate scrutiny or alignment with regional planning objectives. Strengthening EDQ governance is therefore essential not only for accountability, but to safeguard procedural fairness and the integrity of Queensland's broader planning system.

How to Improve Governance and Safeguard Independence

To restore trust and proper governance, the following mechanisms should be implemented:

- **Appointment by Independent Panel**: EDQ board appointments should be made by an independent nomination panel comprising representatives from the Planning Institute of Australia, the Local Government Association of Queensland (LGAQ), the Queensland Audit Office, and the community sector.
- **Fixed Terms with Transparent Removal Process**: Board members and CEOs should have fixed terms (e.g. 4–5 years), with clear criteria for removal limited to serious misconduct, breach of duties, or incapacity. All dismissals must require an independent investigation and published reasons.
- **Public Disclosure of Board Expertise**: All board members' qualifications, sectoral experience, and potential conflicts of interest must be publicly disclosed to ensure the board reflects cross-sectoral knowledge, including in planning, environment, Indigenous affairs, agriculture, housing, and social equity.
- **Legislative Insulation from Ministerial Interference**: The EDQ board must have authority over its own strategy, workforce, and project delivery decisions—subject to budgetary accountability, but protected from direct ministerial orders or retaliatory dismissals.

Benefits of Governance Reform

- **Enhances Integrity and Trust**: Protecting EDQ from political control ensures that development decisions are made in the public interest.
- **Supports Evidence-Based Planning**: A qualified and independent board can better uphold principles of sustainability, economic prudence, and social fairness.
- **Reduces Corruption Risk**: Limits on arbitrary removal reduce the likelihood of corruption or misuse of public office for political gain.
- **Ensures Long-Term Stability**: Fixed terms support consistent policy implementation, particularly for long-term infrastructure and housing strategies.

International Examples

- **United Kingdom – Homes England**: The government's housing accelerator operates under an independent board with defined terms and published governance frameworks. The CEO cannot be removed without due process overseen by the Civil Service Commission.
- **Victoria, Australia – Development Victoria**: Board appointments are outlined in legislation and include skills-based criteria. Dismissal provisions are limited and require formal justification.
- **Singapore – Urban Redevelopment Authority (URA)**: The URA's council includes independent professionals across planning, real estate, and sustainability sectors. Its professional independence underpins its global reputation for transparent and well-managed growth.

5. Olympic Development Must Not Override Environmental Laws

The proposal to expedite infrastructure delivery for the Brisbane 2032 Olympic and Paralympic Games poses a high risk of undermining existing environmental protections, community consultation obligations, and long-term land stewardship responsibilities. While the intent to meet international deadlines and facilitate major infrastructure is understandable, this must not come at the expense of Queensland's natural heritage and democratic process.

Why Caution Is Needed

Olympic-related infrastructure is likely to require large-scale land clearing, new transport corridors, housing developments, and recreational facilities. These projects will intersect with sensitive environments—remnant forests, waterways, biodiversity corridors, and green spaces—that serve not only ecological purposes but are also critical to community health and climate resilience.

Of equal concern is the Bill's provision for diminished compliance requirements and restricted appeal rights. Fast-tracking approvals without adequate Environmental Impact Assessments (EIAs) or opportunities for objection leaves the public and scientific community powerless to prevent irreversible harm.

How to Safeguard Ecological and Social Integrity

- **Mandatory Environmental Impact Assessments for All Games Infrastructure**: No project should be exempt from EIA regardless of urgency or scale. This includes ancillary infrastructure such as access roads, temporary villages, and electrical works.
- **Green Space and Ecosystem Mapping Prior to Approval**: The location of each proposed Games facility must be cross-referenced with high-value ecological zones, endangered species habitat, and vital water catchments. Development must be prohibited in areas that serve core environmental functions or carry significant biodiversity value.
- **Community and Cultural Consultation Pathways**: Local residents, Traditional Owners, and scientific bodies must be engaged in all infrastructure design and placement decisions. Cultural heritage protections and community wellbeing considerations must be integrated from the outset.
- **Legislated 'Halt' Mechanism**: An independent ecological or environmental body must be given authority to stop or reconfigure projects if investigations determine the area holds critical environmental value or if mitigation plans are insufficient.
- **Post-Games Legacy Audits and Restoration Obligations**: All Olympic sites must undergo independent audits within two years post-event. Any site determined to have suffered ecological degradation must be subject to restoration funded by a compulsory Olympic Environmental Legacy Fund.

Appointing an Independent Olympic Environment Commissioner

To ensure transparency, accountability, and ecological integrity across Brisbane 2032 infrastructure projects, the Queensland Government should legislate the appointment of an independent Olympic Environment Commissioner. This statutory office would oversee all Games-linked developments—from early planning through to post-Games legacy audits—ensuring environmental standards are upheld and community concerns addressed. The Commissioner must have the authority to monitor compliance with Environmental Impact Assessments (EIAs), conduct site inspections, investigate breaches, and issue public reports. Crucially, the role should be independent of the Games delivery authority and government departments, reporting instead to Parliament and the public. This model would align Queensland with international best practice for large-scale event governance, while reassuring the public that biodiversity, green space, and cultural heritage will not be sacrificed for short-term development gains.

Benefits of These Safeguards

- **Positions the Games as a Global Environmental Leader**: Embedding full environmental oversight and transparent safeguards into Olympic delivery would not only protect Queensland's environment—it would also serve as a powerful international statement. Brisbane 2032 has the opportunity to set a new global standard for ecologically responsible Games infrastructure. A visible commitment to biodiversity, green space preservation, and independent accountability could become a defining legacy of integrity for these Games.

International Precedents

- **London 2012**: Prioritised legacy planning and biodiversity protection during Olympic site construction. The Queen Elizabeth Olympic Park incorporated wildlife corridors and public green space, post-Games.
- **Tokyo 2020**: Required that Olympic venues meet environmental certification standards, including renewable energy use and green building codes. Biodiversity and cultural site mapping played a role in venue placement.
- **Barcelona 1992**: Though widely praised for urban transformation, retrospective environmental assessments highlighted the need for stricter planning and ecological foresight—an important lesson for Brisbane.

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6. Legislative Recommendations and Safeguards

While the Bill takes initial steps toward improving planning integrity and accountability, several key provisions must be strengthened to ensure comprehensive protections for communities, ecosystems, and future generations.

The acceleration of renewable energy and infrastructure projects is vital for Queensland's economic growth and environmental goals, it presents challenges in balancing development with regulatory oversight. The urgency to meet renewable energy targets and prepare for the 2032 Olympics necessitates streamlined processes. However, this must not compromise environmental standards or community engagement. Implementing comprehensive impact assessments and ensuring transparent decision-making are essential to maintain public trust and achieve sustainable outcomes.

The following legislative recommendations are grounded in best-practice governance and reflect the emerging threats facing Queensland’s regional and ecological landscapes.

Why Further Legislative Action Is Necessary

The cumulative and systemic impacts of large-scale industrial developments—including renewable energy installations, infrastructure expansion, and Olympic-related projects—are often overlooked in linear approval processes. Without comprehensive legislative frameworks, Queensland risks:

- Approving projects without understanding their overlapping or aggregate impacts on land, water, species, and people.
- Lacking enforceable mechanisms to ensure mitigation measures are followed throughout the project lifecycle.
- Allowing developers to avoid accountability through corporate restructuring, liquidation, or asset transfer.
- Facilitating developments that violate the principles of ecological sustainability and long-term resilience.

Recommended Legislative Enhancements

- **Mandatory Publication of SIAs and CBAs**: All Social Impact Assessments and Community Benefit Agreements must be publicly released prior to development approval, including detailed methodologies, stakeholder submissions, and mitigation commitments.
- **Right to Appeal**: Affected communities and individuals must have the legal right to challenge SIA outcomes, project approvals, and planning decisions through independent tribunals.
- **Rehabilitation Bonds**: All industrial-scale projects must post an upfront, independently assessed rehabilitation bond equivalent to full decommissioning and restoration costs.
- **Avoidance of Accountability through Corporate Restructuring**
  Queensland's experience with the mining sector provides a cautionary precedent for what can occur in the absence of strict accountability mechanisms. In several cases, companies have transferred environmental liabilities to subsidiary entities that were later liquidated—leaving rehabilitation obligations unmet and taxpayers footing the bill. For example, the collapse of Linc Energy after serious environmental breaches in the Western Downs region exposed major gaps in regulatory oversight and bond adequacy (Queensland Department of Environment and Science, 2019). Without safeguards such as binding rehabilitation bonds and ongoing liability tracking, similar risks could emerge in large-scale infrastructure and renewable projects, particularly during asset transfers or decommissioning phases.
- **Cumulative Impact Assessment Requirement**: Legislation must require the planning authority to assess all new proposals against a regional register of cumulative environmental and social impacts. This register should be maintained by a statutory scientific agency and informed by geospatial data.
- **No Blanket Exemptions from Environmental Laws**: Renewable energy projects, Olympic infrastructure, and housing acceleration programs must comply with the same environmental protections and permitting conditions that apply to other industries.
- **Legislated Scientific Oversight Body**: Establish a new independent agency responsible for overseeing and publicly reporting on:
  - PFAS and chemical contamination
  - Noise, vibration, and light pollution impacts
  - Fibre and microplastic shedding
  - Heat island effects
  - Wildlife mortality and habitat fragmentation

This body should be empowered to halt approvals, mandate mitigation, and refer breaches to enforcement agencies.

- **Transparency in Land Dealings**: Any land acquisition or lease agreement by government or proponents for major projects must be published, with maps, valuations, and terms of use.

Benefits of Stronger Legislative Frameworks

- **Improves Long-Term Environmental Resilience**
- **Protects Agricultural and Water Resources**
- **Enhances Investor Certainty Through Clear Rules**
- **Builds Public Trust and Procedural Fairness**
- **Aligns Queensland with International Best Practice**

These safeguards are not barriers to development—they are the essential foundation for sustainable growth, genuine community benefit, and environmental stewardship.

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7. Conclusion – A Call for Balance, Integrity, and Community Justice

The Planning (Social Impact and Community Benefit) and Other Legislation Amendment Bill 2025 represents an important opportunity to strengthen Queensland's planning framework. However, to meet the complex challenges facing our communities and ecosystems, this legislation must go beyond procedural tweaks. It must embed enforceable rights, independent oversight, cumulative impact recognition, and science-led evaluation into every stage of decision-making.

Across the state, rural and regional communities have endured the consequences of top-down, profit-driven infrastructure rollouts without meaningful consultation or environmental accountability. The stories and case studies referenced throughout this submission make clear that our current system has failed to balance development with fairness and protection.

This Bill must not become another missed opportunity. By adopting the recommendations outlined in this submission—particularly independent assessment mechanisms, strong governance reforms, and the establishment of scientific and planning oversight bodies—Queensland can lead the way in responsible, ethical, and community-led planning.

Furthermore, if the Government truly wishes to elevate the 2032 Brisbane Olympic Games as a global benchmark, it must ensure that every development decision linked to the Games upholds environmental integrity, ecological resilience, and community justice. These Games could leave a powerful legacy—not just of medals and infrastructure, but of how a state chose to do things differently: transparently, fairly, and with long-term vision.

Now is the time to ensure that planning serves people and planet, not just short-term interests. Without legislated oversight bodies and enforceable rights to community consultation, the Bill will fall short of its intended purpose.

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