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Department of Infrastructure, Local Government and Planning
BRISBANE, QLD 4000

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15th January 2016

Research Director
Infrastructure, Planning and Natural Resources Committee
Parliament House
George Street
Brisbane, QLD 4000,

RE: QUEENSLAND BRANCH OF SOIL SCIENCE AUSTRALIA'S SUBMISSION ON DRAFT PLANNING BILL 2015

The Queensland Branch of Soil Science Australia (herein The Society) supports any action by the Queensland Government to engage the community in discussions about managing the State's natural resources, the overarching planning framework and subsequent implementation through ecologically sustainable development.

General Comments

The Queensland Branch endorses outcomes which both utilise the natural resources of the State while at the same time protecting them from alienation and/or degradation. The implementation of an effective and efficient planning and development assessment system is one way in which these outcomes can be achieved.

Accordingly, Soil Science Australia welcomed the opportunity to make a submission on the Government's *Draft Planning Bill 2015,* presented 14th of October 2015on the proposed major changes to Queensland's planning legislation. The submission particularly focussed on whether major changes were warranted and if the resulting process was transparent to the public and simply understood both internally and externally to Government. This second submission is to the Parliamentary Committee and aims to brief the parliament of issues involved in the Bill from the perspective of The Society.

Going forward, The Society would welcome the opportunity to engage with the State Government, to undertake future planning reform.

It is acknowledged that it may be too late to make further major changes to the current initiative. Future reform should be undertaken in collaboration with other professional bodies which have expertise in policy and operational aspects of planning/plan implementation.

The Society endorses the stated objectives of the Bill of delivering better planning for Queensland by:

1. Enabling better strategic planning and high quality development outcomes;
2. Ensuring effective public participation and engagement in the planning framework;
3. Creating an open, transparent and accountable planning system that delivers investment and community confidence;
4. Creating legislation that has a practical structure and clearly expresses how land use planning and development assessment will be done in Queensland; and
5. Supporting local governments to adapt to, and adopt, the changes.

The draft Planning Bill in its current format is unlikely to achieve the above objectives any better than the Planning Bill it would replace, in the opinion of The Society. We make this assertion based on the stated focus of the draft Planning Bill, which remains process-based rather than outcome-based. It is questioned whether the proposed legislative reforms will actually enhance ecologically sustainable development from the development proponent or achieve the expected outcomes for the community.

The Society remain concerned that:

1. The draft Planning Bill remains overly complex and will not easily be understood by general public; and
2. There is movement away from ensuring the personnel implementing the planning process are doing so in consultation with appropriately trained and certified personnel, both within the private sector and within government agencies. Consultation with professionals who hold accreditation from appropriate professional bodies is one way to ensure appropriate expertise is being included in the process.

Based on The Society's review of the draft Planning Bill, its Explanatory Notes, the draft Planning Regulation, and the various draft guidelines, we are of the opinion that:

1. Objective 1 of the draft Planning Bill is unlikely to be achieved until planning schemes move from being an instrument aimed at regulating development to an instrument aimed at implementing the land use and development outcomes sought by an informed community. A greater predictability is needed in decision-making. This predictability will come from using quantifiable and measurable criteria to determine both a preferred land use, and to assess

the positive and negative impacts of any development proposal. This is needed, if for no other reason, than to ensure the accountability of those charged with decision-making.

2. Objectives 2 and 3 will likely not be met by the Bill and the accompanying guidelines in their current form. The Bill and supporting documentation remains complex and difficult to understand. The documents appear to have been prepared for statutory planners and related officers within State and Local Governments, with the aim of easing administration of the Act and regulation, rather than being comprehended by the public.

3. Objective 4 is unlikely to be achieved until the Bill is clearer on the measurable outcomes being sought through planning scheme preparation and implementation. The Bill provides a much information on operational detail and, while providing flexibility for different circumstances has merit, this should not be at the expense of achieving the policy outcomes sought in legislation.

Suggested way forward

What is needed is legislation that is in fact simpler, clearer, less time consuming and expensive to utilise and which leads to greater certainty of outcomes for all concerned. To achieve this there needs to be better integration of the expertise of statutory planners and natural resource planners leading to:

1. Greater weight given to making the community aware of the importance of planning schemes in determining the outcome of development applications.

2. Greater consultation between development proponents and others affected prior to a development application being lodged to ensure that the application identifies and addresses the legitimate interests of all concerned.

3. More appropriate courses offered by tertiary institutions of those persons that are to be involved in the preparation of planning schemes and their implementation through development assessment, to better achieve a balance between the outcomes sought by statutory planners and those influenced by site characteristics (both natural resource and environmental).

4. Decision making bodies having access to personnel with adequate technical expertise to undertake their duties rather than placing undue reliance on external expertise that may be prejudiced.

5. Greater input by certified professions in the development of regulations, especially development assessment codes, to ensure that planning outcomes will be met by those regulations.

Queensland Branch of Soil Science Australia would like to have the opportunity to meet with the Parliamentary Committee to further outline how the above might be achieved.

Nature of Soil Science Australia

Soil Science Australia is a not-for-profit organisation that serves as the peak body for more than 1000 scientists across Australia. We seek to advance soil science in professional, academic, and technical fields. Members are drawn from all States and Territories of Australia and are engaged in soil research, extension and policy across the full range of soil's related natural resource use and management activities throughout Australia. Members work in universities (as students and staff), in regional, state and federal government agencies, consultancy firms or run their own businesses.

Within the Queensland Branch, many members have directly contributed to the planning and use of natural resources within the State, be they urban, rural, or mining. There are also a significant proportion of members who have retired from their jobs but continue to actively participate in Soil Science Australia events and submissions as well as continuing to support soils projects and practitioners.

Professional accreditation - Certified professional soil scientist

We contend that consultation with professionals who hold accreditation from appropriate professional bodies is required for effective reform. For The Society the accreditation is the 'Certified Professional Soil Scientists' (CPSS). **The purpose of the CPSS accreditation scheme is to ensure that clients requiring competent soil science advice, execution of soil-related research, data interpretation and soil management can identify bona fide experts.**

Soil Science Australia thus is able to draw on accredited expertise in the following competency areas in preparing this submission:

- Soil Properties: this determines a soil's suitability, capacity and resilience for a range of uses both rural and urban. This knowledge is of particular value in determining potential land uses and the nature and severity of likely impacts on the site and/or its surrounds.
- Soil identification, soil management and site constraints: this knowledge informs decisions on land use determination and management responses.
- Land use planning and management: this knowledge informs the planning process of the range of land use options.
- Rehabilitation capacities of soils after a specified use: this knowledge informs the future management of soils following a specified land use.
- Knowledge of, and communication with, various users and professions engaged in regional and catchment planning and in preparing and assessing development applications.

All of the above have relevance to determining the most appropriate use for land and in determining conditions that might be applied to a development.

Soil Science Australia Submission

In preparing this submission, Soil Science Australia has drawn on the expertise of its members who had extensive experience in natural resource planning and the conditioning of development applications.

We commend the efforts made by staff of the Department of Infrastructure, Local Government and Planning to engage the community in Planning Reform and thank you for the opportunity to contribute to the consultative process. I am happy to discuss these matters further should you wish to do so, and can be contacted directly on 0438 683 426, or qld@soilscienceaustralia.org.

Yours faithfully

Dr John McLean Bennett, *CPSS-2*

President
Soil Science Australia, Queensland Branch