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Sent: Tuesday, 16 October 2018 12:07 PM
To: DPTI:Planning Engagement
Subject: Accredited professionals proposal.
Attachments: MARION_2018_Comments on DRAFT Legn_1.docx

Please find attached my submission.
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MPIA

[Sent from Yahoo7 Mail on Android](#)

General

We have no quarrel with the principle that CAP members (“CAP’s”) have the appropriate knowledge and experience to fulfil their duties on. That said, there are already several checks and balances built into the process of selecting its members that ensure that CAP’s can meet the required standards.

The DPI Act and Regulations have introduced a Code of Conduct and each Council has its own Operating Procedures. The selection of CAP’s by a Council is a rigorous recruitment process, their term is limited and there are provisions for them to be removed if they are not fulfilling their duties appropriately which, arguably, would include a situation where they are not acting competently due to lack of knowledge or experience.

In this context it is difficult to see the need for accreditation. In fact, we say, the case for change has not been made out. CAP’s and their predecessors have been operating for more than a decade and were specifically introduced to remove political influence from the process of assessing development applications. We are not aware of any evidence accumulated over this period, nor has the Discussion Paper, which underpins the draft Regulations, advanced a convincing case, to suggest that the actions of CAP’s or DAP’s warrant the introduction of an accreditation system.

CAP’s, by and large, offer their time, experience and skills as a service to the community. The remuneration that a member of a CAP receives is little more than an honorarium. CAP’s do not undertake the wide and varied work of, say, a practicing planner. The prime task CAP’s, whatever their skills (planners, architects, landscape architects, engineers, elected members etc) is to use their vast experience to properly, sensibly and with maturity apply the policies in the Development Plan. That task is ably assisted by the reports prepared by a Council’s highly skilled staff.

We consider it unreasonable to require accreditation on an *annual* basis. Not only does it seem insulting to professionals to have to ‘prove’ every year that they are still qualified for a role, but also it will impose considerable costs, both in time and money, to people who attend panel meetings on a fortnightly or monthly basis.

It is our view that accreditation, should it be introduced against all reasonable argument, be valid for at least three, and preferably five years not least to ensure that it covers the tenure of a CAP. The amount of paper work and administration for both the CAP and whoever is to administer this concept would be unnecessary and overbearing.

We also make the observation that, even if the fees that are likely to be involved to attain accreditation are ultimately borne by a council, the high costs will act as a disincentive to those who are not now members but otherwise have ambitions to serve the community in that way.

In any event, what is proposed in the draft Regulations to satisfy accreditation requirements for CAP's fails any test of reasonableness. In addition to our earlier comments, the requirement for training, registering and frequently renewing registration will introduce a considerable administrative burden on the government, or its accrediting body, and on individual CAP members.

These provisions in the draft Regulations, so far as they are directed to CAP's, are not the hallmark of a simplified planning system – a vision that has long been spoken about. We again say we reject the proposition that accreditation of CAP's in the way proposed is appropriate or necessary. Competent councils, in line with the Act, appoint CAP's. Councils are aware of the important, serious and legal responsibilities that underpin that process. The appointment process is transparent and, in our experience, rigorous. It involves advertisement, formal written application including provision of a CV, and interview, (usually by CEO and Mayor or similar) and is then endorsed by council at a public meeting. Powers are available to remove panel members who do not fulfil their duty. The proposal to accredit CAP's, quite simply, disrespects and depreciates the role of a Council and will introduce a costly burden on them.

For an accreditation scheme to meet its goals it must be relevant, practical, efficient, cost effective and equitable. Most importantly, it must be directed to its core role in the exercise of the duties of CAP's. It must not be burdensome or costly for both its administrators and for those being accredited. It should also recognise prior learning and experience particularly when, as is the case in several CAP's, there are members who are, and remain, at the peak of their profession. The draft Regulations fails these tests.

The Discussion Paper upon which this Draft is founded fails to make a case for change. We say that the government should exercise caution where there is no evidence for the need for the proposed scheme. To be blunt the proposal, in respect of CAP's, is without any foundation whatsoever. It is our view that, were the proposals enacted, more unwanted 'red tape' in the development assessment process.

Specific comments on the draft Regulations

1. The responsibilities of a CAP can only be exercised by CAP's that have, and continue to obtain, accreditation. The existence of any barriers to CAP's accessing CPD courses, and thus accreditation, will put the exercise of Council's responsibilities at serious risk. There is nothing in the draft which provides any confidence that the means by which CPD points can be earned will at all times be able to meet the intent and scope of the CPD requirements of the Regulations. Nor does the draft legislation give any clue as to the entity or entities intended to deliver the CPD programme.
2. The draft Regulations impose an accreditation renewal regime that is likely to be quite inconsistent with the term of appointment of a CAP and, moreover, they do not provide transitional provisions for

accreditation of existing CAP's at the time the Regulations come into force.

3. The acquisition of CPD points will involve a considerable amount of a CAP member's time and will no doubt impose considerable costs in fees that will be additional to the costs of seeking accreditation. The fact that some CAP members are in full or part time employment is also a consideration insofar as the acquisition of CPD points may incur a loss of income. These costs are in addition to that which are currently borne by members, for example, in the use of vehicles when undertaking site visits and other related incidentals.
4. If the Council wishes to retain and, in the future, attract high quality membership of its CAP it must, ultimately, bear these costs. The costs will vary from person to person and from year to year and will be affected by the nature of the CPD course that is required for accreditation. The costs are likely to involve a substantial increase on what is currently, in effect, an honorarium.
5. Notwithstanding our firm rejection of the need for the Regulations, we welcome the fact that professional indemnity coverage for CAP's can be provided by the Council's scheme. That said, before the introduction of the Regulations, CAP's will need to be formally advised by its Council that coverage is provided.
6. It is also evident that the draft legislation contains provisions that enable an applicant for consent who is aggrieved by a decision by the Assessment Manager to opt to have his/her decision reviewed by the Panel. We refer here to s202(1)(b)(i). In our view that is wholly inappropriate. The Panel has a particular professional relationship with the Assessment Manager and his/her staff. The Panel relies on expert advice being received from the Assessment Manager and/or staff and very often engages with them about planning issues as those interests bear upon the policy thrusts in the Development Plan. To have reviews of the decisions of the Assessment Manager being referred to the Panel will create unwanted and unwarranted tension between the Panel and its advisers and has the real potential to damage their invaluable working relationship.