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DPTI

Ms. Sally Smith
General Manager – Planning and Development Division
Department of Planning, Transport and Infrastructure
GPO Box 1815
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Per e-mail: DPTI.PlanningEngagement@sa.gov.au

Dear Sally,

Accredited Professionals Scheme - Draft

Thank you for the opportunity to provide feedback with respect to the abovementioned Scheme, including proposed related *Planning, Development and Infrastructure (Accredited Professionals) Regulations, 2018* with respect to the *Planning, Development and Infrastructure Act, 2016* (PDI Act).

General Comments:

The following general observations and requests are provided from a Council/ Council Officer perspective:

- Regulations 5(2) and 5(3)(b) enable the Chief Executive (of the Department of Planning, Transport and Infrastructure) to determine the qualifications, experience and technical skills required for each class of accreditation and to then vary these from time to time. Given the importance of these criterion it is recommended that a consultation requirement is introduced with respect to undertaking these actions;
- The rationale for and concept of 'peer reviewed compliance' for Level 1 (Assessment Managers) is presently unclear. It is understood that further details will follow from a process to be established by the Chief Executive however some questions include: Who can act as a peer reviewer?/ What qualifications do they need?/ Is it required that the reviewer is 'independent'?/ Does the reviewer need to be another Assessment Manager? etc.;
- It is noted that, per section 100 of the PDI Act, an Assessment Manager may delegate any functions or powers, presumably in the case of a Council, to another qualified staff member. Regulations 8 and 9 indicate that a Council can separately engage Accredited professional – planning level 3 (Performance assessed development – section 107 of the PDI Act) and Accredited professional – planning level 4 (Deemed to satisfy – Section 106 of the PDI Act), having regard to the compliance requirements associated with this approach;
- A question that has arisen in consultation sessions attended by Council Officers with respect to the Accredited Professionals Scheme relates to the number of Assessment Managers that can be appointed.

Council has interpreted that, as the Council has an Assessment Panel (CAP), it must have an associated Assessment Manager, appointed by the Chief Executive Officer. The Assessment Manager is then responsible for the functions under section 87(e) of the PDI Act, including being responsible for managing the staff and operations of the CAP in relation to which the assessment manager has been appointed.

At a recent Local Government Association workshop discussion, it was suggested that Council can appoint more than one Assessment Manager if it so chooses. This does not seem

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consistent with the link between an Assessment Panel and an Assessment Manager in section 87 of the PDI Act and accordingly clarification is sought on this point.

- With respect to the Accredited professional – planning level 4 (Deemed to satisfy – Section 106 of the PDI Act) – one year of experience may be insufficient to determine related areas of technical assessment or any aspects of discretionary judgement, such as considering minor variations or conditions related to same (as contemplated under section 106 of the PDI Act);
- It is unclear whether an Accredited professional planning – level 1 would have to also hold Accredited professional planning – level 2 if that individual wishes to be an Assessment panel member. As level 1 is the highest, it would seem appropriate that a holder of this level would be eligible for consideration as an Assessment panel member without the need for a separate level 2 accreditation;
- As Council remains a relevant authority with respect to Building Rules assessment, it is unclear at this point whether Council Officers will also need to be accredited under the new system. It is expected that this will be clarified with future regulations and/ or Practice Directions;
- Council Officers note that it will now potentially be necessary to have accreditation with an industry body, such as the Planning Institute of Australia (PIA), as well as the Accreditation Authority (Chief Executive), with CPD requirements for both. It would be helpful, and certainly more cost-effective, if these requirements are aligned;
- Council recognises that it will need to ensure that all staff and any Panel members requiring accreditation to undertake their role/s remain up to date and renew at the required times. However it is noted that as an employer, there is no requirement for the Accredited Professional/s Council employs to advise if their accreditation has been varied, cancelled or suspended (e.g. under Regulation 20).

As such an outcome would affect the Council's operational capabilities it is recommended that, where accreditation is cancelled or suspended, an addition be made to Regulation 20 requiring that employers are advised of this outcome to ensure ongoing operations;

Similarly, employers should also be advised if their staff are the subject of an investigation under Regulation 27 and also provided with a copy of the investigator's final report.

- Under the Code of Conduct, Item 7 should be amended to include notification to the relevant Council where the Accredited Professional is an employee of that Council;
- Separately it is noted that a council planner that is also a member of PIA will potentially be required to abide by the Minister's Code of Conduct for Council Employees under the Local Government Act, 1999, the PIA Code of Conduct and the Code of Conduct under the PDI Act.
- It is noted that the Accredited Professionals Scheme is entirely focused on assessment roles. However it is not clear how assessment staff within the Department of Planning, Transport and Infrastructure/ State Planning Commission are required to align with these requirements. This would seem to be an oversight, given the complex assessments that will be required to be performed in particular by the Commission;
- Separately, it is not clear which Accredited professional level applies to strategic or policy planner roles, if any; and
- The Relevant Planning Qualifications list seems to be incomplete. For example, the undergraduate planning courses offered by the University of South Australia during the 1990s are not listed.

With respect to some of the specific questions raised by the DPTI:

1. Should industry bodies be allowed to deal with complaints against Accredited Professionals on behalf of the Chief Executive of DPTI?

Yes, perhaps with an escalation scale/ criteria back to the Chief Executive if warranted by a particular matter.

2. Should Accredited Professionals be penalised for failing to participate in audits in accordance with the Scheme?

Regulation 20 indicates there are penalties in terms of cancellation or suspension of accreditation, which could be imposed if an accredited professional does not participate in an audit. Similarly, an Accredited Professional that does not participate would be unable to renew their accreditation. It seems that these penalties would be sufficient.

3. Should certificates of currency be submitted as proof of insurance, or is annual self-certification sufficient for this purpose?

Insurance arrangements will need to be confirmed for Council-employed Accredited Professionals, but it is likely that cover would be sought through the relevant LGA Scheme. In general however, Council would normally seek certificates of currency.

Thank you again for the opportunity to provide comments with respect to these matters. If you have any questions or would like to discuss the content of this letter, please contact the undersigned at [REDACTED] or on [REDACTED].

Yours sincerely,



Craig Doyle
General Manager – Strategy & Development