SUBMISSION FROM CITY OF PORT ADELAIDE ENFIELD – ACCREDITED PROFESSIONALS DRAFT SCHEME

Thank you for the opportunity to provide feedback on the above-mentioned paper.

Council has considered the discussion paper and provides the following comments. Please note that the comments in the Section "Independent Panel Members" has been made in consultation with the current Independent Members of the Council Assessment Panel Members (CAP).

We support the introduction of an Accredited Professional Scheme (including the management of complaints, and the centralised public register) to apply to professional planners and building certifiers in the private sector but have concerns with other aspects of the proposed scheme as illustrated below.

Assessment Panels

The discussion paper intimates that all Council Assessment Panel Members, except Elected Members will be required to be accredited.

We anticipate that it is likely that Council’s will be required to bear the costs of accreditation and training for CAP members which could be a significant ongoing budget commitment. In the alternative, if CAP members are required to bear their own costs (together with the time required to undertake training) we anticipate that it is likely that this may deter some who would otherwise nominate for membership of a CAP.

Many CAP members are retired or semi-retired professionals with distinguished careers behind them. Some of the current CAP members at the City of Port Adelaide Enfield are Life Fellows of PIA but the accreditation scheme gives no acknowledgement to their skills, expertise and professional standing.

These members sit on CAP’s as a way of linking back into the profession and a way to contribute invaluable years of experience.

The remuneration to sit on a CAP is generally fairly modest and accordingly, further cost and time to undertake training is likely to disincentivise these members from continuing to sit on Panels.
We note also that not all CAP members are technical experts in the planning profession. Some have expertise in other areas such as architecture, transport planning and the like.

These members provide for a diversity of knowledge to CAP's that is highly valued and may already bear professional development costs associated with their field of expertise. They should not have to acquire accreditation under the PDI Act as well.

We have confidence that the current decision making of the Port Adelaide Enfield and other CAP'S is robust and generally of a very high standard. We have no reason to believe that current CAP process is broken such as to warrant an additional layer of complexity, cost and red tape.

**Assessment Managers**

We note that the Assessment Manager but no other planning staff will be required to be accredited. This seems puzzling as it does not recognise that a majority (if not all) of delegated planning decisions are made by staff with direct delegations from the Assessment Manager. Given the importance placed on the Assessment Managers role within Council, what options are there if the Assessment Manager is absent for a length of time (leave, secondment, resignation).

We note that the cost to Council identified for the CAP members will be replicated for the Assessment Manager. These costs include accreditation, registration and renewal fees. Councils' are already bearing a considerable cost to facilitate the implementation of the new e-planning system and this will be a further impost on Council.

We note that decisions of a Council can generally be appealed if an applicant is aggrieved with the outcome. Noting this, we do not consider that accreditation should apply to Council staff. The above-mentioned issues highlights that including local government planners in the accreditation process is creating a whole new level of complicated bureaucracy. DPTI resources would in our view be better spent reviewing the decision-making competencies of "private planning accredited professionals" for the reasons outlined below.

**Council Building Officers**

We note that Council Building Officers are already accredited through the Australian Institute of Building Surveyors (AIBS). The qualifications and on-going training required by the AIBS are considered suitable for acceptable by the State Government under this scheme. We would not support two separate schemes with divergent requirements applying for Council Building Officers. If an officer meets the requirements of the AIBS, then this accreditation should be deemed acceptable to the Chief Executive of the Department of Planning, Transport and Infrastructure under this scheme. Given that this is relatively straight forward, we would advocate for no association cost implications for the officers concerned or Council in meeting the scheme where the AIBS requirements are met.

**Accredited Planning Professionals**

It is our experience (and this has been illustrated through a couple of ERD court decisions) that some Independent Accredited Professional are prone to questionable decision making and liberal interpretation of relevant planning legislation and Development Plan provisions.

Unlike building certification which is "black and white", planning assessment (irrespective of how tight the legislation is drafted) will always have some level of subjectivity and interpretation. The viability of an accredited planning professional's business relies on
developing on-going relationships with their clients. An accredited planning professional who applies the planning code as it should be is always going to "lose out" to those who gain a reputation for interpreting the legislation in favour of their client, rightly or wrongly.

Various DPTI discussion papers espouse an intention to provide for "better decisions" and "better recognition of professionals" but ultimately increasing private planning certification may, we respectfully suggest, result in quicker approvals, but potentially at the expense of robust planning decisions and good community outcomes.

In this respect, we do not support the increase in professional accreditation and do not consider that the State Government is listening to these concerns which are repeatedly being raised by Local Government.

However, noting that this is the express intentions of the State Government, a robust accreditation scheme is considered an imperative for those who operate within this context. This is the key point of difference from Council staff who can maintain a level of autonomy and independence with respect to their decision making. Council planners already operate in a system that is very transparent and accountable to the public.

For this reason, the accreditation scheme should apply to professionals from the private sector.

**Building Private Certifier**

We note that the minimum level of experience for a building private certifier is currently 8 years and the new scheme would appear to allow for someone with relative inexperience (6 months) to become a private certifier. There is no clear explanation for this change. It is recommended that the level of experience for a private certifier be clarified.

**Professional Indemnity Insurance**

We seek an assurance that if the accreditation scheme is to proceed that relevant staff and Panel Members will be covered by the Local Government Mutual Liability Scheme as intimated in the discussion paper.

**Missing Decision-Makers**

It is unclear whether the scheme will also apply to professionals who sit on the SCAP (as well as the CAP) and to key decision makers within DPTI.

Invariably, some of the most important planning decisions are made by the professional planners who sit or work in the above jurisdictions. If the scheme is to be applied to Council Assessment Managers and CAP Members, it should be applied to SCAP members as well.

If you have any further queries with regards to this matter please do not hesitate to contact Steve Hooper, Development Services Manager on **[redacted]**.

Yours faithfully

Deb Richardson
Director Community Development