

Assisting Councils to Better Engage Consultants in DPAs

Introduction:

This paper has been prepared to assist Councils in regional/rural areas needing to engage consultants in the preparation of Development Plan Amendments (DPA). It has been written under the assumption that Councils have properly considered the strategic imperatives of relevance to their local area and fully understand how these imperatives might be realised through the implementation of planning policy in the Development Plan.

It is evident, however, that many regional Councils do not have the resources to undertake the necessary strategic policy or structure planning work on which to base a DPA. This situation often results in Council initiating a DPA which requires an excessive amount of investigative work, leading to problems with scope definition and other procedural matters that makes it very difficult for the DPA to be completed within required timeframes. Keeping these DPAs on-track also takes up Departmental resources at a time when staff need to target their efforts towards realising the objectives of the 30-Year Plan for Greater Adelaide and the Regional Plans.

Accordingly, it is recommended that regional Councils undertake the necessary strategic work before proceeding to initiate a DPA. This may well require Councils to engage consultants to do this work, in which case the following sections may be of assistance.

Aim:

The aim of this paper is to assist Councils to secure the services of consultants who are well versed and competent in undertaking a Development Plan Amendment (DPA), by providing some guidance in relation to:

1. the desired skill set of consultants; and
2. information that should be included in any brief to consultants employed to undertake a DPA.

1. Desired Skill Set

Councils should seek to engage consultants who:

- **Understand the DPA process**

It is imperative that consultants have an appreciation of the DPA process and all of its requirements (from the development of the Statement of Intent through to completion and gazettal of the DPA). Ideally, the selected consultant would have had extensive experience of undertaking a number of DPAs addressing different issues in order to have a broad understanding of the DPA process and the importance of the relationship between the consultant and Council/DPLG staff.

This is not to say that consultants without this experience would not be able to competently undertake a DPA. However, it is critical that the consultant fully understands the DPA process and the many and varied tasks involved.

- **Have skills/experience in conducting the kind of investigations needed to support a DPA**

Consultants should have the analytical skills and/or experience required to undertake and manage the investigations supporting the DPA. Since each DPA is different, the investigations will also differ. The consultant team will need to demonstrate that it has the skills and capacity to ensure that all of the required investigations are completed and are of a sufficiently high quality to satisfy DPLG staff (acting for the Minister).

In cases where the consultant team does not have the skills to undertake more specialised investigations (e.g. land contamination and remediation) Council should be satisfied that the consultant could competently manage a sub-contractor in undertaking the work or be prepared to assign Council staff to manage the work.

- **Have skills/experience in writing Development Plan policy and understand the role of the State's Planning Policy (BDP) Library**

Developing new policy for insertion into the Development Plan is the core function of a DPA. It is essential, therefore, that the consultant is skilled and/or experienced in writing Development Plan policy while being fully aware of the policy modules contained in the most recent versions of the State's Planning Policy Library.

Consultants should also understand that any variation to the policies contained within the modules should be limited to local additions, used only to address particular local circumstances that would not normally apply elsewhere.

- **Have skills/experience in the technical (amendments) aspects and mapping production of the DPA**

Developing maps for insertion into the relevant Development Plan is an intensive and lengthy process and consultants need to be skilled in this area or have experience of competently managing sub-consultants in delivering this mapping in a timely fashion.

Consultants should also understand the technical aspects of introducing and amending existing policy in order to prepare Amendment Instructions in a way which ensures that the sequencing of policy is not compromised by any changes.

- **Have skills/experience in working collaboratively with Councils, DPLG and other State government agency staff**

Working through the DPA process requires the consultant to engage in a significant amount of discussion and negotiation with Council staff, DPLG staff and agency staff. The consultant may also have to engage with members of the public during the course of a DPA, especially if Council includes the public consultation phase of the DPA as part of the brief.

Accordingly, it is important for the consultant to have demonstrated capacity to successfully engage and negotiate with the key stakeholders involved in the DPA process in order to resolve issues that arise through the DPA process. These stakeholders include members of the public who may be adversely affected by the proposed change to the Development Plan.

- **Have skills in project management and a demonstrated ability to deliver tasks on budget and within agreed timelines**

The DPA process involves a large number of detailed tasks that each need to be undertaken, coordinated and delivered to particular timelines. This requires the consultant to have strong project management skills that will ensure that the DPA is completed within the timeframe agreed between Council and the Minister.

- **Have staff that meet the prescribed qualifications, pursuant to Section 25(4) of the *Development Act 1993***

Given the requirement under Section 25(4) of the Development Act, the consultant providing advice to Council during the preparation of the DPA must have the prescribed qualifications in planning, which are:

- corporate membership of the Planning Institute of Australia; or
- qualifications or experience in urban and regional planning, environmental management or related discipline as are appropriate in the Minister's opinion.

2. Information to be Included in Brief

It is acknowledged that many regional/rural Councils currently use consultants to develop the brief (or scope of works) for a DPA. Nonetheless, Council should ensure that the brief is concisely written and includes the information below. Council may also wish to consult with DPLG staff in preparing the consultant brief:

- **What the DPA is about (i.e. its scope) and the area/location in which the DPA is to take effect**

The scope of the DPA should precisely define what policy and zoning changes are being sought by Council and where these policy and zoning changes are to take effect. Where possible, a map depicting the location of the area to be affected by the DPA should be included.

- **Why the DPA has been proposed by Council (i.e. its strategic rationale) and which reports/plans/strategies have led to the DPA being proposed**

The key reasons leading Council to initiate the DPA should be provided alongside the anticipated outcomes. In particular, the brief should specify which reports, plans and/or strategies (e.g. the relevant volume of the Planning Strategy, Council's Strategic Directions Report, a Structure Plan) and any objectives or targets expressed in these documents that have led Council to propose the DPA.

- **The anticipated change to the Development Plan**

Likely changes to the Development Plan arising from the DPA should be indicated in the brief.

- **Any investigations (completed or proposed) that are required to inform the DPA**

The consultant should be informed of any investigations that have either been completed or will need to be undertaken in order to support the DPA. This will assist the consultant to determine the level of resources that will be needed to complete the DPA as well as the required skill set (e.g. whether a specialised traffic consultant will need to be included as part of the consultant team).

It is imperative that all investigations are clearly directed to addressing the scope of the DPA and the consultant should be instructed not to undertake any analytical work that falls outside of the scope. Council needs to have confidence that the consultant has the capability of drawing a clear and logical link between the outcomes of the investigations and the proposed policy amendments associated with the DPA.

- **Which Planning Policy modules are likely to be drawn upon in completing the DPA.**

The consultant should be informed of the latest version of any Planning Policy modules that Council anticipates will be used in the DPA.

- **How the consultant would be expected to manage any local variations.**

Council should also inform the consultant that any local policy variation arising from the investigative work should be kept to a minimum and that this variation would need to be discussed with DPLG staff.

- **Which DPA process (or pathway) Council intends to follow**

There are a number of potential pathways that could be pursued in the completion of the DPA with each having different resource requirements. The consultant should be informed of which DPA process Council intends to follow as this will impact on the level of resources to be provided by the consultant.

- **Which roles/tasks the consultant would be expected to undertake (and which tasks Council would undertake)**

The consultant (and Council) needs a clear understanding of the division of responsibility for undertaking particular tasks required to complete the DPA. This is particularly important in relation to the consultation phase of the DPA where it is imperative that both Council and the consultant are aware of who is doing what.

- **The desired timeline for completion (sign-off) of these tasks**

Council should indicate to the consultant the required timeline for completion of the DPA and its constituent tasks.

- **An indication of the budget available to complete the DPA.**

The consultant should be informed of the indicative budget that Council has available to undertake the DPA to enable the consultant to realistically assess whether it can complete the required tasks on budget.