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Dept. Planning, Transport and Infrastructure  
Via e-mail  
[DPTI.PlanningEngagement@sa.gov.au](mailto:DPTI.PlanningEngagement@sa.gov.au)

11 October 2018  
Our ref: 16/595

Dear Sir or Madam

Draft Accredited Professionals Scheme

Council considered the Draft Accredited Professionals Scheme on 9 October 2018 and resolved to make the follow comments in response to the consultation on the Draft Scheme:

1. Accreditation Relating to Code Amendments – There is no reference to Code Amendments in any of the Accreditation Levels proposed. Currently, regulation 86 of the *Development Regulations 2008* requires Councils to obtain advice in relation to the Development Plan Amendments from a person who has a corporate membership of the Urban and Regional Planning Chapter of the Planning Institute of Australia or qualification that in the opinion of the Minister are appropriate. Given that Code Amendments can be proposed by private land owners under the new PDI Act, it is considered appropriate to seek advice from an Accredited Professional with relevant qualifications and experience in preparing planning policy.
2. Accredited Professional Planning Level 4 – This level of accreditation would allow private certifiers with limited experience (1 year) to approve deemed to satisfy developments. This assessment may not involve planning judgment in the sense of assessing a proposed development against the relevant provisions of the Planning and Design Code, however these applications will involve technical assessments, and some will also involve matters of discretionary judgement, such as determining whether an element of an application is a minor variation from a deemed to satisfy requirement. It is suggested that it is more appropriate for a professional at Level 3 to undertake these assessments, noting that less experienced planners within Councils can still undertake these assessments acting under delegated authority (from the Assessment Manager).
3. Code of Conduct complaints against accredited professionals in Council's employ – When an investigation is undertaken by the accreditation authority in relation to a Code of Conduct complaint against an Accredited Professional acting on behalf of Council, or in **Council's employment**, it is considered appropriate that

Council be notified of the investigation, and that the findings of the investigation, including any action taken by the accreditation authority, is also passed on.

4. Training and insurance costs for Council Assessment Panel (CAP) members – This was raised by staff previously, and the draft Regulations makes some effort to mitigate the concerns relating to onerous training and insurance costs for a Level 2 Planning Accredited Professional (CAP members). Only half the CPD points required for an Assessment Manager are required for CAP members. It is still expected that Council will likely bear the costs of accreditation and training for CAP members, which at this stage is an unknown budget commitment. If CAP members are required to bear their own costs, it may deter some from nominating. Many current independent panel members are retired or semi-retired, and the new scheme may not be financially viable for these people, discouraging them from becoming accredited.

In addition to the above, Regulation 16(2) states that professional indemnity insurance for a Level 2 Accredited Professional (CAP member) is not required if covered by another indemnity scheme. However, has the LG Mutual Liability Scheme confirmed that a CAP member will be covered for professional Indemnity Insurance? Costs to CAP members will be onerous otherwise.

5. Proxy Assessment Managers - The Assessment Manager in a Council setting is typically also responsible for the operations of an entire City Development department. It is noted that the only employee that is required to be an accredited planner within a Council is the Assessment Manager, with all delegated planning decisions made by staff under delegation from the Assessment Manager. Clarification is sought as to whether there is an expectation that Council has a **“back up” Level 1 Accredited Professional (Assessment Manager)** in case the Assessment Manager resigns or is on leave for a period of time.
6. Audit of Accredited Professionals – responsibility for arranging a periodic audit falls to the individual accredited professional. Failure to do so will amount to grounds for cancellation of accreditation. This is a huge consequence for the accredited professional and Council where an accredited professional may, in circumstances that are no fault of their own, fail to organise a time for an audit within the prescribed timeframe. It is considered more appropriate for the auditor to be responsible for arranging audits, and that the accredited professional be responsible for making themselves available to the auditor and to cooperate fully. It is also recommended that Council be notified of the audit of an employee, and that the findings of the audit be passed on to Council.
7. Accredited Professional Building Levels 1, 2 and 3 – Council Building officers are already required to be accredited through the scheme managed by the Australian Institute of Building Surveyors (AIBS). Building Officers are required to undertake training to obtain 30 continuing professional development points per annum at a cost of approximately \$3000.00. It is therefore considered that this level of accreditation should be acceptable for Level 1-3, Building Surveyors.

8. Accredited Professional Building Level 4 (Building Inspector) – Under the proposed Accreditation Scheme a fourth level of building accreditation will be introduced. The functions of this accreditation will be limited to undertaking inspections of Class 1 and 10 buildings, including roof truss and swimming pool safety inspections.

It appears that the criteria to apply for Level 4 Building Inspector accreditation, is very similar to the requirements for a Level 3 Assistant Building Surveyor. It is therefore questionable as to whether there is an industry need for a Level 4 Building Inspector.

9. Value for money - An important issue is the cost to Council and its ratepayers. Council will already be contributing a considerable annual fee (approx. \$36,000) towards the development and maintenance of the e-planning system. Additional fees under the Accredited Professionals Scheme will include accreditation, registration and renewal fees to facilitate the accreditation of the Assessment Manager (and possibly a proxy) and all Council building officers, and potentially compliance officers. A **“fact sheet” released by DPTI** indicates an initial fee of \$600-\$800 for each applicant to cover the evaluation of their application and their registration as an Accredited Professional. Another fee will be payable annually thereafter to DPTI to cover administration costs in maintaining the Scheme. As mentioned previously, Council may also feel obliged to contribute to its CAP Members accreditation fees as well. The additional budget implications (whilst not fully known at this stage) are an added cost to ratepayers with little direct benefit to the community.

If you have any questions in relation to this matter, do not hesitate to contact me directly on [REDACTED] or [REDACTED].

Yours sincerely



Brett Steiner  
Team Leader, Planning Strategy