



Assessment Managers

1. A Code of Conduct has been released for Assessment Panels. Is there a Code of Conduct for the Assessment Manager?

The Code of Conduct only relates to members of an Assessment Panel. It is anticipated that the Minister will in due course adopt separate Codes of Conduct to be observed by others performing statutory functions under the PDI Act.

It should be noted that on the designated date, 1 October 2017, the Assessment Manager will not be able to act as a relevant authority in their own right as no forms of developments have been assigned to them in the PDI Act or Regulations at this stage.

Also an Assessment Manager will also be an accredited professional (not required at this stage) and will be covered by the Accredited Professional Code of Conduct (will be sent out for consultation shortly, as part of the Accredited Professional Scheme).

2. Can a member of the Council Assessment Panel be appointed as the Assessment Manager?

No, the Assessment Manager is not able to be a member of the Council Assessment Panel.

3. Can a Council Assessment Panel have more than one Assessment Manager?

No, the Council Assessment Panel can only have an Assessment Manager, being only 1 (section 87(a) of the DPI Act). The Assessment Manager is able to sub delegate to others within the Council.

4. Can the CEO issue direction to the Assessment Manager in relation to matters such as budget expenditure and allocation of staffing resources?

Subject to section 87(d) of the PDI Act, the Assessment Manager is responsible to the CEO who made the appointment and would need to be agreed to as part of any appointment by the individual council. In addition (Section 87(f)) says '*designated authority that appoints as assessment panel will be responsible for the costs and other liabilities associated with the activities of the assessment manager*'.

Assessment Managers cont.

5. How will the Assessment Manager be assigned staff, are these the current staff being assigned dual roles and how does this affect the CEO's ability to direct local government employees?

As per the above advice, this would need to be part of the discussion, agreements and/or procedures for each individual Council, Panel and Manager.

6. Does the Assessment Manager have the power to sub-delegate to staff?

Yes, it is possible for the powers of the Assessment Manager (when acting as a relevant authority in their own right) to be sub delegated to a council staff member (Section 100). The Act does not prescribe that the delegate must be an accredited professional.

On 1 October 2017 the Assessment Manager will not be able to act as a relevant authority , unless delegated by a Council Assessment Panel, as the PDI Act and Regulations do not assign them any assessment responsibilities at this stage. Regulations are likley to be introduced as the new assessment procedures are introduced.

7. Can a senior staff member, without a planning qualification, be appointed as the Assessment Manager in the interim until the accreditation requirements are clarified?

Yes, that is possible. Until the accreditation scheme is operational there are no requirements on qualifications for Assessment Managers (either an accredited professional or prescribed in the regulations). An outline paper on the accredited professional scheme is to be released for consultation shortly. This is an opportune time for councils to review and align with potential requirements/qualifications for Assessment Managers.

Further Information

For further information on the Assessment Panels and the Code of Conduct and Assessment Managers refer to www.saplanningportal.sa.gov.au/our_new_system/development_assessment.



Council Assessment Panels

1. The Regulations details the process for recording Minutes but is silent on the Agenda process; could these requirements be clarified?

Beyond what has been set out in the regulations, the designated authority will otherwise be at liberty to adopt its own additional procedures. The LGA has prepared Terms of Reference and Meeting Procedure templates which have been distributed to councils to assist.

2. May the Elected Member be appointed by Council as the Presiding Member of the Council Assessment Panel?

The PDI Act does not exclude the one member of council being the Presiding Member. Council would be advised to ensure whoever they select as Presiding Member is appropriately qualified and experienced to act in this position.

3. What is the role of “deputy members” on Assessment Panels? (Section 83(1)(b)(v) PDI Act)

Whilst the Act does not describe the role of a deputy member, the purpose of the deputy member is to act as a member of the assessment panel in the absence of an ordinary member.

4. May a member of the Council Assessment Panel be appointed as the Assessment Manager?

No, the Assessment Manager can not be a member of the Council Assessment Panel.

5. How will remuneration for the Council Assessment Panel members be determined i.e. will this be determined by the Remuneration Tribunal or by Council?

Council will have the discretion to decide on what remuneration would be appropriate for their panel (as councils may have different requirements or expectations of their members). Also, section 83(1)(b)(iv) of the PDI Act, details that the designated authority, being the Council, must determine *'conditions of appointment of members, or the method by which those conditions will be determined, (including as to their remuneration) and the grounds on which, and the procedures by which, a member may be removed from office'*.

Council Assessment Panels cont.

6. Does the Act Prescribe how long decisions should be kept?

Beyond what has been set out in the regulations, the designated authority will otherwise be at liberty to adopt its own additional procedures.

7. What is the role of an additional member (Section 85 – appointment of additional member)? When will the practice direction or further information be provided on this aspect?

Under section 85, a Panel may appoint one or two members to act as additional members to assist in the assessment of a development application. These members must have the qualification or experiences as set out in a practice direction. This provision however, will not come into affect until such time as the assessment provisions under the new Act are in operation and a practice direction has been prepared.

Further Information

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