



INITIATING AND ESTABLISHING A PLANNING AGREEMENT AND JOINT PLANNING BOARD GUIDELINES

Planning, Development and Infrastructure Act, 2016



Government of South Australia

Department of Planning,
Transport and Infrastructure

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HOW TO USE THESE GUIDELINES

WHY HAVE GUIDELINES?

These guidelines have been developed to help councils:

- Understand more about Planning Agreements and Joint Planning Boards
- Decide if a Planning Agreement and Joint Planning Board is right for them
- Initiate a Planning Agreement with the Minister for Planning
- Define the scope of a Planning Agreement
- Set and agree on objectives
- Develop a robust Business Case for a Planning Agreement
- Prepare a Business Plan, and
- Reach agreement with the Minister.

HOW WERE THESE GUIDELINES DEVELOPED?

These guidelines were developed as part of the Regional Planning Arrangements Pilot Project, which involved 40 councils across eight regional groupings. The pilot project was designed to apply the new provisions of the Act as they relate to Planning Agreements and Joint Planning Boards in a collaborative manner.

Learn from the experiences of the pilot councils

Representatives from each of the pilot groups worked together for over 12 months to learn about and understand how to apply the new Joint Planning Arrangements provisions contained in the Planning, Development and Infrastructure Act.

Contact DPTI for the names of the pilot group representatives if you would like to discuss their experiences in greater detail.

The contents of these guidelines were assembled as a direct outcome of the learnings and challenges facing these eight groups (of which six progressed to the final stage of developing business cases).

Additional support and input throughout the pilot were also sourced from the Pilot Coordinator, Project Governance Advisory Committee, Project Working Advisory Group, Local Government Association of SA, governance and financial experts, lawyers, and staff of the Department of Planning, Transport and Infrastructure.

HOW ARE THESE GUIDELINES USED?

These guidelines assist councils by using two key templates:

- The Business Case template (which can be easily converted to a Business Plan)
- The Planning Agreement template.

These guidelines should also be read in conjunction with the Practice Direction for Planning Agreements issued by the State Planning Commission.

More information can be found on the SA Planning Portal under Regional Plans.

CONSIDERING A PLANNING AGREEMENT

WHY COLLABORATE AT A REGIONAL LEVEL?

Drivers for collaboration will vary considerably from council to council but we know that there are many commonalities from past experiences across Australia. It is important to identify the drivers for collaboration for each council in your group because understanding them can help define objectives, decide whether a JPB is the best form of collaboration, ensure that the design and structure of your Planning Agreement is fit for purpose, and identify any potential conflicts between councils that will need to be managed. These guidelines will help you clearly identify these for each council in your group.

Drivers for considering collaboration may include:

- Improved ability to respond to regional strategic planning issues, promote economic development and achieve a regional strategic direction and infrastructure
- Stronger advocacy capacity, improved relationships with other levels of government and greater ability to leverage funds
- Better planning and consistency of approach across the region in relation to decision making and strategic direction
- Cost savings, efficiencies in service delivery, economies of scale, reduced duplication of effort and resources
- Increased organisational capacity
- Better risk management
- Meeting skill shortages and a means for attracting locally based resources in regional areas.

IS YOUR REGION READY TO COLLABORATE?

A number of challenges and lessons from other regional collaborations across Australia may help you decide if you are ready. It is important to assess your readiness before entering into any form of collaboration as many of these challenges can cause your collaboration to fail. Some of these lessons will also

have an impact on the way you collaborate or the way you design a Planning Agreement.

- Does each council have a commitment and passion to a regional approach?
- Is there political and community will to pursue a regional approach?
- Is there equity across each council?
- Do you have a robust business case including a clear value proposition?
- Do you have the right governance model?
- Is the infrastructure in place to support the governance model?
- Is there an alignment of culture and common purpose between parties?

These challenges and lessons are essential considerations for councils contemplating collaborative projects or arrangements, including potential shared services. Each challenge and lesson has been built into these guidelines to help guide decision making and build the business case for regional collaboration.

PLANNING AGREEMENTS

A Planning Agreement is an agreement between the Minister for Planning and a group of councils under the *Planning, Development and Infrastructure Act, 2016*. Other entities may be a party to an Agreement with the advice of the State Planning Commission, but this will require further investigation and possibly legislative changes. In this respect, Planning Agreements should be focused initially on current local government functions, particularly under the *Planning, Development and Infrastructure Act, 2016*.

A Planning Agreement outlines the purpose and outcomes that the agreement is intended to achieve and is administered by a Joint Planning Board (JPB). It provides councils with a mechanism to deliver planning functions, local government functions and, potentially, delegated state functions on a regional basis - usually over a ten-year timeframe.

If your council is looking to collaborate around planning issues at a regional level, a Planning Agreement may be the right type of collaboration for your region.

JOINT PLANNING BOARDS

Once a Planning Agreement is reached between the Minister and a group of Councils, a JPB is set up to administer the Agreement. A JPB is a body corporate with its own powers and responsibilities (including annual reporting to the Minister and Commission) and is constituted in accordance with the terms outlined in the Planning Agreement, which sets out the functions, Board membership and how a JPB is to operate.

A JPB has between three and seven members with the qualifications, knowledge, expertise and experience necessary to enable the board to carry out its functions effectively. A JPB can form both committees (advisory) and subsidiaries (operational) to carry out its functions and must adhere to a Code of Conduct.

A STAGED APPROACH TO PLANNING AGREEMENTS (WALK BEFORE YOU RUN)

Planning Agreements and JPBs are a new mechanism introduced by the *Planning, Development and Infrastructure Act 2016*. When starting up a new Planning Agreement, it is important to establish a robust foundation and governance structure for collaboration before taking on too many functions. For this reason, groups considering the establishment of a new Planning Agreement should take a 'walk before you run' approach and start with basic functions

under the Act (walking) before taking on functions beyond the Act (running). These guidelines are designed to help groups decide what functions to incorporate into their Planning Agreement.

MAIN FUNCTIONS UNDER A PLANNING AGREEMENT

The functions of a JPB are clearly set out by the Planning Agreement and agreed to between the Planning Minister, the councils and – where relevant – other parties to the Agreement. The **only** mandated function of a JPB is the preparation of a Regional Plan, which is a regional land use framework that sets out the vision and objectives for a region over a 30-year period.

Other functions that can be undertaken by a JPB include functions under the *Planning, Development and Infrastructure Act, 2016* such as Regional Assessment and code amendments and local government functions under other legislation, such as animal management and fire safety management. Whilst the Act does anticipate the potential for state government functions to be delegated to a JPB, additional investigations and further legislative change may be required to enable this and as such these functions are not yet envisaged.

Three 'bands' of functions have been identified in the diagram below:

PLANNING AGREEMENTS

PLANNING AGREEMENTS BETWEEN COUNCILS AND THE MINISTER FOR PLANNING

PLANNING AGREEMENTS THAT MAY INVOLVE OTHER MINISTER(S) OR BODIES

BAND 1

Planning, Development and Infrastructure Act functions

- Preparing a Regional Plan (mandatory)
- Regional Assessment Panel and Manager
- Code Amendments
- Infrastructure Agreements
- Planning and Building Compliance.

BAND 2*

Other Local Government functions

Local Government functions beyond the Planning, Development and Infrastructure Act 2016 that could be delegated to the Joint Planning Board by the Councils.

BAND 3*

Agreed delegation of non-traditional Local Government functions from State Agencies

Functions that are not currently Local Government functions but may be able to be delegated to a Joint Planning Board by another agency subject to agreement and legislative change.

IS A PLANNING AGREEMENT THE RIGHT COLLABORATION FOR YOUR REGION?

It is important that a robust analysis of all potential collaboration opportunities is undertaken before committing to a Planning Agreement to give it the best chance of success. The type of collaboration and the form it should take are key considerations.

The adage 'form follows function' holds true with collaboration and the best form of collaboration for a particular function may not necessarily be a Planning Agreement.

There are several types of collaboration that should be considered before settling on a Regional Agreement to make sure that the type of collaboration your group chooses will deliver the outcomes you want to achieve.

TYPES AND FORMS OF COLLABORATION

1. INFORMATION SHARING	Information about activities or services is shared between councils including service levels, clients, delivery methods or specifications – ad-hoc or ongoing arrangements, often with low level of formality
2. COMMON SPECIFICATIONS	Used by multiple councils for an in-house service or more often by external parties under contract or other agreement – may be ad-hoc or ongoing arrangements, with low to medium level of formality, such as exchange of letters or written agreement
3. RESOURCE SHARING	Sharing of staff, consulting advice, equipment, offices, plant or other resources, often on an occasional basis – may be ad-hoc or ongoing arrangements with low-medium level of formality, such as exchange of letters or written agreement
4. JOIN TENDERING	Combining resources to jointly seek tenders for works and services – may be ad-hoc or ongoing arrangements with medium level of formality, such as exchange of letters or written agreement
5. JOINT PROVISION	Combining resources to provide a service, often with one council acting as host employer, or party to a contract with an external provider – formal arrangements such as written agreement or contract
6. REGIONAL SUBSIDIARY/ INCORPORATED BODY	Regional subsidiary (Local Government Act 1999) or Incorporated Body (Associations Incorporation Act 1985). Activity of service fully managed by a separate authority of which the participating council are members – formal arrangement involving members of the authority
7. PLANNING AGREEMENT	A Regional Plan must be developed and other functions may also be undertaken – formal agreement with Minister for Planning as a party to the agreement

HOW DO YOU INITIATE A PLANNING AGREEMENT AND JPB?

Once your group of councils has decided that a Planning Agreement and JPB could be an option for delivering regional planning services, initiating a Planning Agreement and JPB starts with clearly defining the region, obtaining a commitment from the councils involved, identifying a working group and project officer to manage the process, and advising the Minister of the intention to start investigations.



NEXT STEP
INITIATING A PLANNING
AGREEMENT

INITIATING A PLANNING AGREEMENT

DEFINING THE REGION

To initiate a Planning Agreement, you must be able to specify the geographical area it will cover. A Planning Agreement can refer to all or part of a council area, but at least two councils are required to reach agreement with the Minister.

When applying for a Planning Agreement, you will need to document how the area was determined and how collaborating at this level will improve planning outcomes for the region. You will also need to identify how the interests of adjoining councils and regions will be managed, particularly in relation to developing a Regional Plan.

The impact of your proposed grouping of councils will also need to have regard for the impact that it might have on the ability of adjoining councils to form their own Planning Arrangements and JPBs as well as the boundaries of existing Planning Regions as proclaimed under the *Planning, Development and Infrastructure Act, 2016*. The Business Case will need to outline these matters as well as outline how the proposed JPB will take the interests of adjoining councils and boards into account.

RESOLVING TO INVESTIGATE A PLANNING AGREEMENT

Once your group has defined a geographical area, each council proposed to be a party to the agreement will need to formally resolve to start investigations. You should also set up a governance framework for developing the Agreement, which will be in place until the Minister and the councils enter into an Agreement and the JPB is in place. If there are councils that are not part of the initial discussions but ideally could be part of the JPB, they should be invited to participate. A regional workshop should be held to agree on project governance, appoint a steering committee, set objectives and identify a budget.

APPOINTING A STEERING COMMITTEE

At the regional workshop the councils should appoint a steering committee to guide the Planning Agreement process. Whilst the steering committee will not be involved in managing the project on a day-to-day basis, it will be responsible for providing advice, troubleshooting, reviewing the business case and liaising with the Minister. The steering committee could include representative Elected Members, CEOs and/or senior staff members.

IDENTIFYING A PROJECT OFFICER AND A STAFF SUPPORT GROUP

A project officer should be appointed to coordinate the development of the business case. The project officer can be a staff member of one of the councils or an external resource. A staff support group should also be identified – preferably with representation from each council – to provide support and advice, and as a conduit for the collation of data.

Identifying a budget

A budget to develop the business case should also be secured by each council.

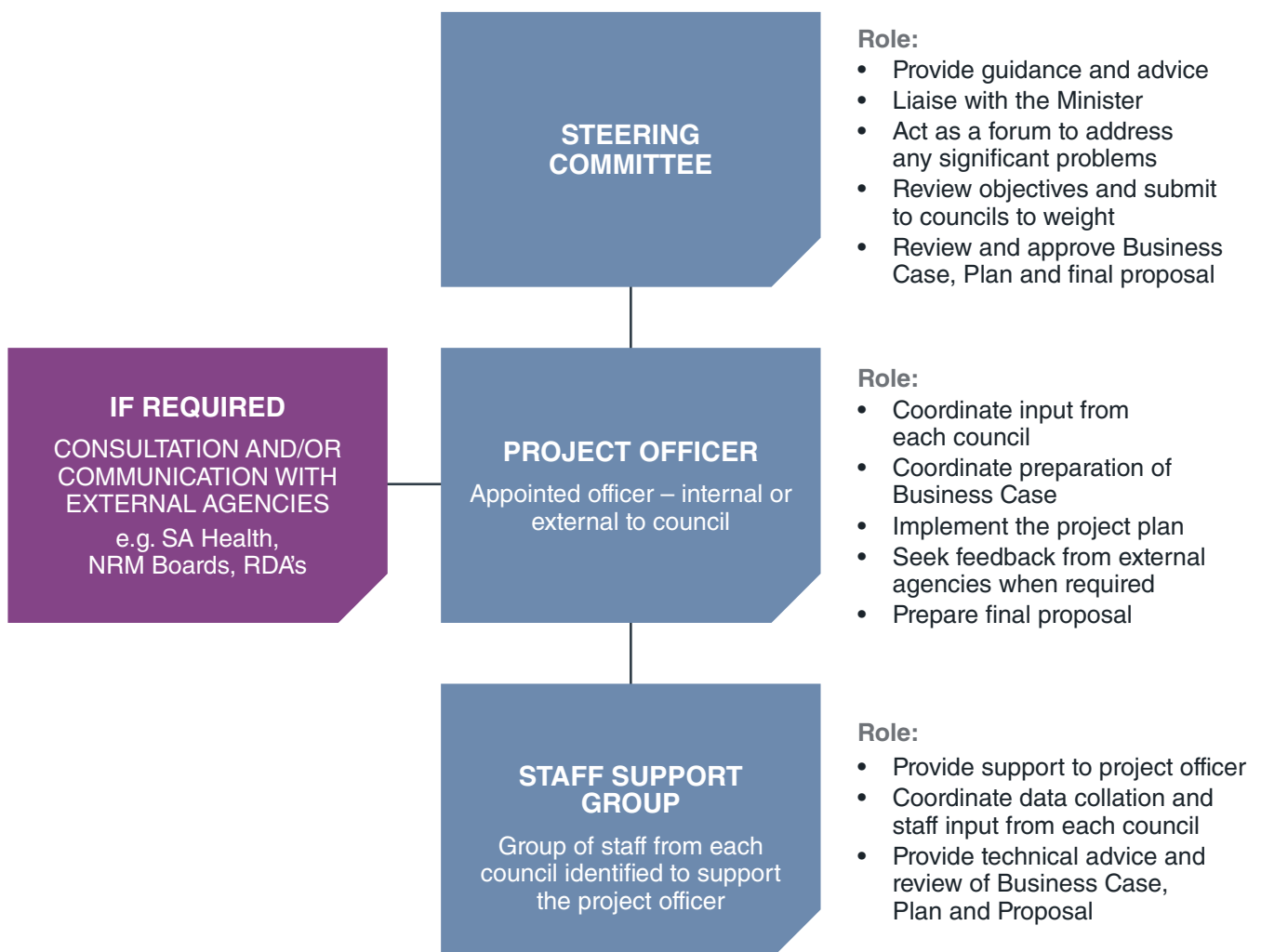
Involve a cross-functional group of staff

Involving a range of council staff in the identification of council objectives and development of the business case will increase chances of its success.

Staff with skills in governance, communications, financial management, stakeholder engagement, project management and business administration can greatly increase the chances of identifying (and addressing) potential issues.

REGIONAL PLANNING ARRANGEMENTS GOVERNANCE STRUCTURE

(FOLLOWING COUNCIL RESOLUTION TO INVESTIGATE A REGIONAL PLANNING AGREEMENT UNTIL MINISTER AND COUNCILS ENTER INTO AN AGREEMENT)





ADVISING THE MINISTER

Once each council has resolved to investigate a Planning Agreement, the project officer or project working group should advise the Minister that it is intending to start the investigation. Whilst there is no formal requirement for the Minister to approve a proposal to investigate a Planning Agreement, this process allows any key state issues to be raised early for consideration as part of the investigations and allows the Department of Planning, Transport and Infrastructure to provide advice and support early on in the process.

PROCESS FOR INITIATING A PLANNING AGREEMENT

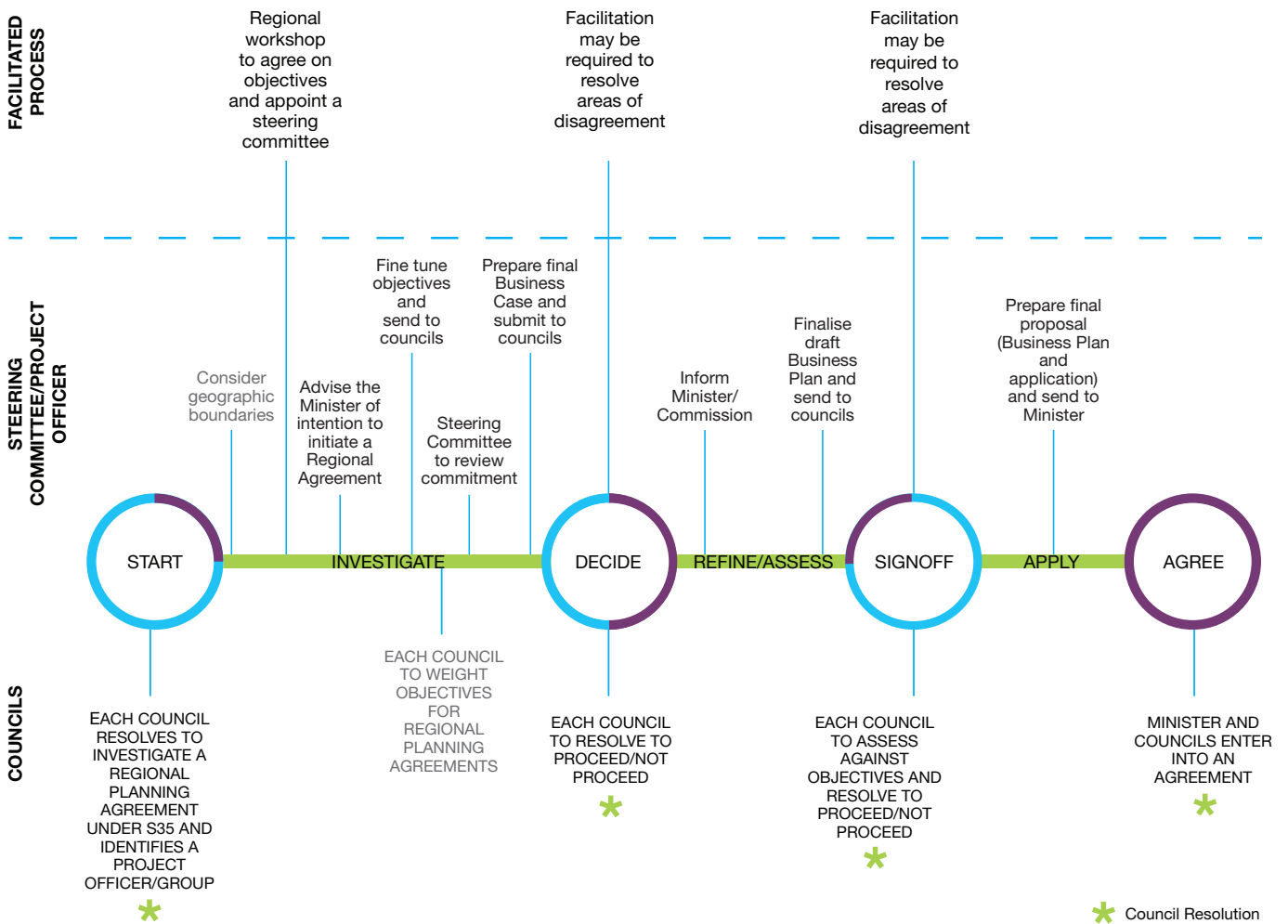
This document provides a step-by-step guide to initiating a planning agreement from inception to reaching agreement with the Minister. The Planning Agreement flow chart shows the key stages involved and these Guidelines provide step-by-step advice.

PREPARING A BUSINESS CASE

Once each council has resolved to investigate a Planning Agreement, the project governance framework has been set up and the Minister advised, the group can start to prepare a business case for the proposed JPB. The next steps in this guidelines document describe how to prepare a business case using the Business Case Template.



REGIONAL PLANNING ARRANGEMENTS – MODEL PROCESS



NEXT STEP
DEVELOPING A
BUSINESS CASE

DEVELOPING A BUSINESS CASE

WHY PREPARE A BUSINESS CASE? (FORM FOLLOWS FUNCTION)

Developing a business case is an essential precursor to entering into a Planning Agreement with the Minister. A business case is a rigorous process to ensure that the form of the Planning Agreement, including the governance arrangements and agreed outcomes, are matched to the functions and objectives of the group of councils – form follows function.

A review of lessons learnt from other regional collaborations shows that jumping too quickly to an outcome without due consideration of what the group wants to achieve can lead to failure (see *Is your region really ready to collaborate?* and *Is a Planning Agreement the right type of collaboration for your region?*) There may also be other governance arrangements that are better suited to what your group is trying to achieve, or barriers to working together may need to be resolved.

The main objective of leading your group through a business case process is to ensure that the form of Agreement you choose follows the functions that you want to collaborate on, and to make sure that you have selected the right governance arrangement to deliver those functions.

Use the Business Case template as a working document, not a form

The Business Case template is a tool that ensures that the form of the Agreement aligns with the functions that a group wants to undertake.

Applying the Business Case template with rigour will identify potential issues early in the process and help increase the chances of a successful regional collaboration.

THE BUSINESS CASE TEMPLATE

A Business Case Template has been developed to lead potential JPB groups through the process of understanding what they would like to achieve and setting up the right governance framework to deliver these outcomes.

The Business Case Template is constructed in six parts:

- EXECUTIVE SUMMARY
- Part A: Planning Agreements under the Planning, Development and Infrastructure Act 2016
- Part B: Regional Collaboration in Local Government
- Part C: Situational Analysis
- Part D: Joint Planning Agreement Design
- Part E: Assessment.

The Executive Summary provides a summary of the business case together with its recommendations and should be prepared towards the end of the process.

Follow a rational process to work through the Business Case

There are logical steps laid out in the Business Case template and they should be followed without trying to take shortcuts or double-guess outcomes.

Part A provides information on Planning Agreements and clarifies that Band 1 and 2 functions should only be considered at this stage (see *A staged approach to Planning Agreements (walk before you run)* and *Main functions under a Planning Agreement*).

Part B provides a summary of the experiences of other regional collaboration processes across Australia including drivers (see *Why collaborate at a regional level?* and *Is your region really ready to collaborate?*) for collaboration and lessons learnt, as well as an overview of the types of collaboration – including JPBs – that can be considered when designing a governance framework for regional collaboration (see *Is a Planning Agreement the right collaboration for your region?*).

Part C documents the current situation and how the group currently manages the functions being considered under a Planning Agreement. It also details current collaboration arrangements and objectives and opportunities for future collaboration. Part C is described in more detail later in this document.

Part D details the intended design of the Planning Agreement including the parties to the agreement, the area it covers, Board membership and functions, administrative and governance arrangements, implementation planning and financial considerations. Part D is designed to be easily converted into a Business Plan for action once agreement is reached and is described in more detail further on in this document.

Part E is a final assessment against the objectives identified in Part C of the Business Case. The intent of Part E is to check and confirm that the form of the proposed Planning Agreement matches the desired objectives of the group (form follows function). It is also designed as a final preparedness check against the lessons learned from other regional collaboration experiences to ensure that risks are mitigated. Part E is described in more detail further on in this document.

Don't rush it

Take the time to get it right without unrealistic timeframes.

WHEN FACILITATION MAY BE REQUIRED

During development of the Business Case, there may be times when facilitation is required to address concerns or differences of opinion within the group, particularly at key Council decision points. You may wish to engage an independent facilitator to assist the group reach agreement when differences occur, particularly at the Elected Member or Steering Committee Group levels.

KEEPING THE MINISTER INFORMED

It is recommended that the Minister and the Department of Planning, Transport and Infrastructure be kept informed of progress against the Business Case to ensure that advice and support can be provided as the process progresses.

Bring all partners along

Councils have different expectations of a Planning Agreement and varying degrees of readiness. If a group moves too fast or does not address a partner council's concerns early, it may risk losing a key member or risk not achieving its collaboration objectives.

NEXT STEP

SETTING OBJECTIVES AND COMMITTING (PART C)

SETTING OBJECTIVES AND COMMITTING (BUSINESS CASE PART C)

UNDERSTANDING THE CURRENT SITUATION

Understanding the current situation in relation to the potential functions being considered as part of a Planning Agreement is essential to determining what the current issues are and how they are currently being managed, what is driving change and what functions might be considered as part of a Planning Agreement in relation to the elements of Band 1 (see Planning Agreements on page 4, the actions for which include):

- Developing a Regional Plan (mandatory)
- Appointing a Regional Assessment Panel and Manager
- Undertaking Code Amendments
- Arranging Infrastructure Agreements
- Undertaking Planning and Building Compliance.

Potential additional functions within Band 2 (other local government functions) should also be considered.

SETTING OBJECTIVES

In any potential collaboration considerations, each council will have its own needs and priorities, which will be reflected in their objectives and relative weightings.

Early on in the process – at, say, a regional workshop held with Elected Members and/or senior staff from across all the councils proposed to be party to the agreement – objectives should be identified.

This is a critical element because it identifies the expectations and objectives of each council and can assist in resolving differences of opinion or levels of commitment.

A key focus will be the identification of objectives for regional collaboration and the setting up of a Planning Agreement. The *'Drivers for Collaboration'* identified earlier in these Guidelines can be used as a basis for discussion, but those involved should identify and discuss their own objectives to clearly articulate the motivations of the group.

FINE TUNING OBJECTIVES

Objectives should be refined by the steering committee. Having a clear set of well-understood objectives is critical to the successful design and implementation of a Planning Agreement, and these objectives will be used at the end of the process to assess whether the final Planning Agreement meets the needs of the councils involved prior to its finalisation.

WEIGHTING OBJECTIVES

Each council should weight each of the objectives refined by the steering committee. The purpose of weighting the objectives is to highlight any major differences between each of the councils and for this reason, should be completed by each council separately.

By way of example, one of the objectives of regional collaboration could be 'to increase the region's ability to attract skilled staff'. Such an objective may be more important to councils in more remote areas than those close to a large regional city.

Any major differences between councils in relation to objectives' weightings may require active management, which can be incorporated into the Agreement and could include changes to the way costs are shared or the way a JPB functions.

Regional workshopping is key to success

Setting objectives for regional collaboration should be undertaken collaboratively early in the process.

If objectives are not identified by the group as a whole – and accepted at the Elected Member and senior staff levels - there is a risk that the Agreement will not reflect the desired outcomes for all parties, thus risking failure.

OPPORTUNITIES FOR COLLABORATION

For each of the Band 1 and 2 functions, the staff working group should go through the process of reviewing all opportunities for collaboration (see *Is a Planning Agreement the right type of collaboration for your region?*). The purpose of this step is to ensure that all options are considered before assuming a Planning Agreement is the right form to deliver the desired functions and identified objectives.

For each function being considered, all seven types of collaboration should be considered, with their advantages and disadvantages, to enable robust decision-making.

Catalyst for other forms of collaboration

Working through the Business Case process can be a catalyst for other forms of collaboration outside the Planning Agreement/Joint Planning Board model.

REVIEWING COMMITMENT

At the end of Part C of the Business Case process, your group should have:

- Identified and weighted its objectives for collaboration
- Reviewed all potential opportunities for collaboration for the functions in Bands 1 and 2
- Selected the functions that your group would like to progress as part of an Agreement.

For functions in which your group is still keen to collaborate, but a Planning Agreement is not the right governance structure, your group may need to investigate alternative approaches outside of this process.

Once objectives are defined, the functions of a potential JPB identified and alternative opportunities for collaboration are selected, the steering committee should review the group's commitment. Once the group commits to the process, Part D of the Business Plan – Design – should be initiated.

Processes are transferable

The Business Case provides a framework and discipline for identifying and developing the best collaboration arrangements for other functions outside of a Planning Agreement.

NEXT STEP

DESIGNING A PLANNING AGREEMENT (PART D)

DESIGNING A PLANNING AGREEMENT (BUSINESS CASE PART D)

MODEL PLANNING AGREEMENT TEMPLATE

Aspects of Part D of the Business Case are included in the model Planning Agreement which should be considered while completing Section D. The model Planning Agreement also contains a number of options around functions, Board membership and other matters in accordance with the *Planning, Development and Infrastructure Act, 2016*.

REGIONAL PLANS

The only mandatory function of a JPB is the development of a Regional Plan. Following the proclamation of planning regions by the Governor, Regional Plans must be prepared within two years of the proclamation, unless a longer period has been specified.

BEING CLEAR ABOUT ASSUMPTIONS

In designing a Planning Agreement, assumptions will be made that should be clearly articulated in the Business Case. These may include – but not be limited by – assumptions such as the costs of implementing and operating a JPB, the amount of assistance being sought from DPTI, the scope of a Regional Plan and insurances. Some of these assumptions may direct the design of a JPB and others may affect the value proposition of the business case.

Walking before you run

When starting up a new Planning Agreement, it is important to establish a robust foundation and governance structure for collaboration before taking on too many functions. For this reason, groups considering the establishment of a new Planning Agreement should take a 'walk before you run' approach, and start with basic functions under the Act (walking) before taking on functions beyond the Act (running).

DETERMINING THE SCOPE OF A PLANNING AGREEMENT

When starting up a new Planning Agreement, it is important to establish a robust foundation and governance structure for collaboration before taking on too many functions. For this reason, groups considering the establishment of a new Planning Agreement should take a 'walk before you run' approach and start with basic functions under the *Planning, Development and Infrastructure Act 2016* (walking) before taking on functions beyond the Act (running).

The scope of a Planning Agreement for your group of councils will include:

- The functions of a proposed JPB, including scope and timing (if a staged introduction is proposed)
- The area the Planning Agreement covers, including a list of all proposed parties to the Agreement.

BOARD MEMBERSHIP

Board membership and associated arrangements should be clearly identified, including how members are to be appointed, required experience or skills, voting arrangements, appointment periods, any conditions of Board appointment, procedures for removing a member from office and procedures for the appointment of a chair. The model Planning Agreement includes a number of provisions for these arrangements, including options for Board and chair appointments. The Act requires between 3 to 7 members and the Business Plan should outline the proposed membership arrangements, together with the procedures and conditions for appointment in accordance with one of the options outlined in the model Planning Agreement.

RISK AND OPPORTUNITY ANALYSIS

An analysis of the risks and opportunities associated with each function should be undertaken by the staff working group, with mitigating actions identified. Actions that need to be put in place to maximise opportunities should also be identified. These actions will form a key component of the Business Plan, should the participating councils resolve to proceed.

ADMINISTRATIVE ISSUES

A number of administrative issues require resolution should the participating councils resolve to proceed. These include business registrations, locations, business structure and any legal considerations. Insurance arrangements should also be considered with advice from the Local Government Mutual Liability Scheme. Some of these issues can be resolved at the Business Case stage, others will need to be resolved during the development of a Business Plan, or after the Agreement has been signed.

GOVERNANCE STRUCTURE

The group should consider the governance structure most appropriate to the range of functions selected as well as its membership councils. A governance structure may include the appointment of committees (to provide advice to the Board) and subsidiaries (to undertake specific operational activities or hold land). Whilst the Board – once appointed – will be the decision making body in relation to the appointment of committees and the establishment of subsidiaries, the group may wish to provide advice when developing the Business Case.

As much about governance as planning

Entering into a Planning Agreement and forming a Joint Planning Board establishes a new form of regional governance.

Setting up a new Board requires all the governance dimensions to be ready to go to help direct the desired culture, operating procedures and administrative arrangements from day one.

ORGANISATION STRUCTURE

The group should propose an appropriate organisational structure for the administration of the Board and specify for each function:

- What in-house staff will support the Board (the Planning Agreement proposes the appointment of an Executive Officer and potentially other staff – but these functions could also be undertaken by staff of councils that are parties to the Agreement, or consultants or contractors)
- What consultants and contractors may be required
- Any staff seconded from other bodies.

An organisational structure should be provided as part of the Business Case, with reporting arrangements clearly identified.

The Business Cases of the groups in the pilot project may provide some guidance on a potential structure, and options could include staff of the organisation, one or more contractors/consultants, secondment(s), or a service agreement with another organisation.

ENGAGEMENT WITH AGENCIES, STAKEHOLDERS AND COMMUNITY

Once the Board is appointed, engagement with stakeholders and the public should be guided by the preparation of a Stakeholder Engagement Plan that should align with the Community Engagement Charter when a Regional Plan is being prepared, and if Code Amendments are to be undertaken. The Business Case should list those parties to assist the JPB when it is formed.

IMPLEMENTATION CONSIDERATIONS

The Business Case template asks for the identification of actions required to implement a decision to proceed to a Planning Agreement. They include:

- Entering into a Planning Agreement including its drafting and reaching approvals
- Forming a Board including appointment processes, meeting logistics and induction of members
- Developing a Business Plan and refining the Agreement design
- Finalising funding arrangements and administrative functions
- Establishing systems, policies, procedures and documenting responsibilities
- Developing a Regional Plan
- Project planning and resourcing
- Engaging stakeholders and developing an engagement plan.

FUNDING AND FINANCIAL MANAGEMENT

Identifying a funding model and associated costs is essential to ensuring an equitable approach across all councils that are parties to the Agreement in relation to:

- Start-up costs
- Plant and equipment
- Financial position
- Income
- Balance sheet forecasting
- Profit and loss forecasting.

The Business Case template provides a checklist for financial details, which are designed to identify what is required to set up the Board as an incorporated entity and the associated costs. Unless some costs are absorbed by the creating bodies prior to incorporation, they will also form part of the first year financial forecasts, which are also contained in the Business Case template. In identifying costs, assumptions may be made that are important to document, especially if they are 'deal breakers' for one or more parties to the agreement.

NEXT STEP
ASSESSMENT (PART E)

ASSESSMENT (BUSINESS CASE PART E) AND REACHING AGREEMENT

ASSESSING AGAINST OBJECTIVES

Once the Business Case Part D has been completed, an assessment of the proposed design should be undertaken against the objectives identified and weighted at the beginning of the process.

The assessment should be undertaken by each council separately to ensure that each is confident that the proposed Planning Agreement will meet their needs prior to entering into the Agreement.

Differences between each council can also assist in identifying concerns or issues that may need addressing prior to entering into an agreement.

PREPAREDNESS ASSESSMENT

A preparedness assessment should also be undertaken by the group prior to its final decision to proceed into an Agreement. A preparedness assessment is undertaken against the lessons learnt from other regional collaboration experiences, including:

- A passion for and commitment to a regional approach
- Political and community will to pursue a regional approach
- Equity across each council
- Robust business case including a clear value proposition
- The right governance model
- The infrastructure (including compliance with legislation, industrial and other agreements) in place to support the governance model
- Alignment of culture and common purpose between parties.

Where ratings for any of these lessons are identified as low, mitigating actions may need to be put in place to manage this.



NEXT STEP
REACHING AGREEMENT



REACHING AGREEMENT

PREPARING A BUSINESS PLAN

A Business Plan sets out how the Planning Agreement will be progressed including budget, actions against a timeline and the steps that need to be undertaken to reach an agreement. Part D of the Business Case is designed to be easily converted into a Business Plan that can be included with a final proposal and submitted to each council for approval, prior to submission to the Minister.

THE PLANNING AGREEMENT TEMPLATE

A Planning Agreement template has been prepared and must be used as a basis for tailoring an agreement to the business plan developed by the group.

Councils should seek their own legal advice when preparing a draft Planning Agreement, prior to submitting to the Minister.

RESOLVING TO PROCEED

Each participating council must resolve to proceed with the Planning Agreement prior to submitting to the Minister. The State Planning Commission has issued a Practice Direction that specifies the appropriate level of information to be included when submitting a proposal to the Minister. This information should be readily available after following these Guidelines and preparing the business case.

ENTERING INTO AN AGREEMENT

The Planning Agreement may provide for the setting of objectives, priorities and targets and for the constitution of a JPB. Once a group of councils has put a proposal for a Planning Agreement to the Minister, the Minister will undertake a series of steps outlined in the planning portal including:

- The Minister considers the proposal to establish a Planning Agreement
- If the Agreement includes any part of a council that has not put forward the proposed Agreement, the Minister must invite that council to be a party to the Agreement
- The Minister will seek the advice of the State Planning Commission
- The Minister will seek the advice of the Crown Solicitor's Office

If the Minister decides to enter into the Planning Agreement, then:

- The Planning Agreement is published in the register of Planning Agreements held on the SA Planning Portal
- A copy of the Planning Agreement is laid before both Houses of Parliament
- A notice is published in the Government Gazette to establish the Joint Planning Board in accordance the terms of the Agreement.

For further information, please visit the SA Planning Portal and search Regional Plans.



Government of South Australia

Department of Planning,
Transport and Infrastructure