



Regional Planning Program – Probity and Governance Framework for Growth Planning

The purpose of this probity and governance framework is to outline the probity requirements on both the management of confidential information and the management of conflicts of interest as they arise during the preparation of regional plans.

Additional governance requirements may be considered by the State Planning Commission (the Commission) or Planning and Land Use Services (PLUS) outside of those outlined in this document, as required for other targets or themes within the regional plans (in addition to growth planning), particularly if actions are to be delivered by other State Government Agencies or local councils.

What is a Regional Plan?

South Australia is divided into the following seven planning regions:

- Greater Adelaide
- Eyre and Western
- Far North
- Kangaroo Island
- Limestone Coast
- Murray Mallee
- Yorke Peninsula and Mid North.

As determined by the *Planning, Development and Infrastructure Act 2016*, each planning region must have a regional plan that is consistent with relevant State Planning Policies and include:

- a long-term vision (over a 15-to-30-year period) for the region or area, including provisions about the integration of land use, transport infrastructure and the public realm
- maps and plans that relate to the long-term vision
- contextual information about the region or area, including forward projections and statistical data and analysis as determined by the Commission or required by a Practice Direction
- recommendations about the application and operation of the Planning and Design Code
- a framework for the public realm or infrastructure within the region or area.

In addition, a regional plan may:

- be divided into various parts that relate to subregions
- include structure plans, master plans, concept plans or other similar documents.

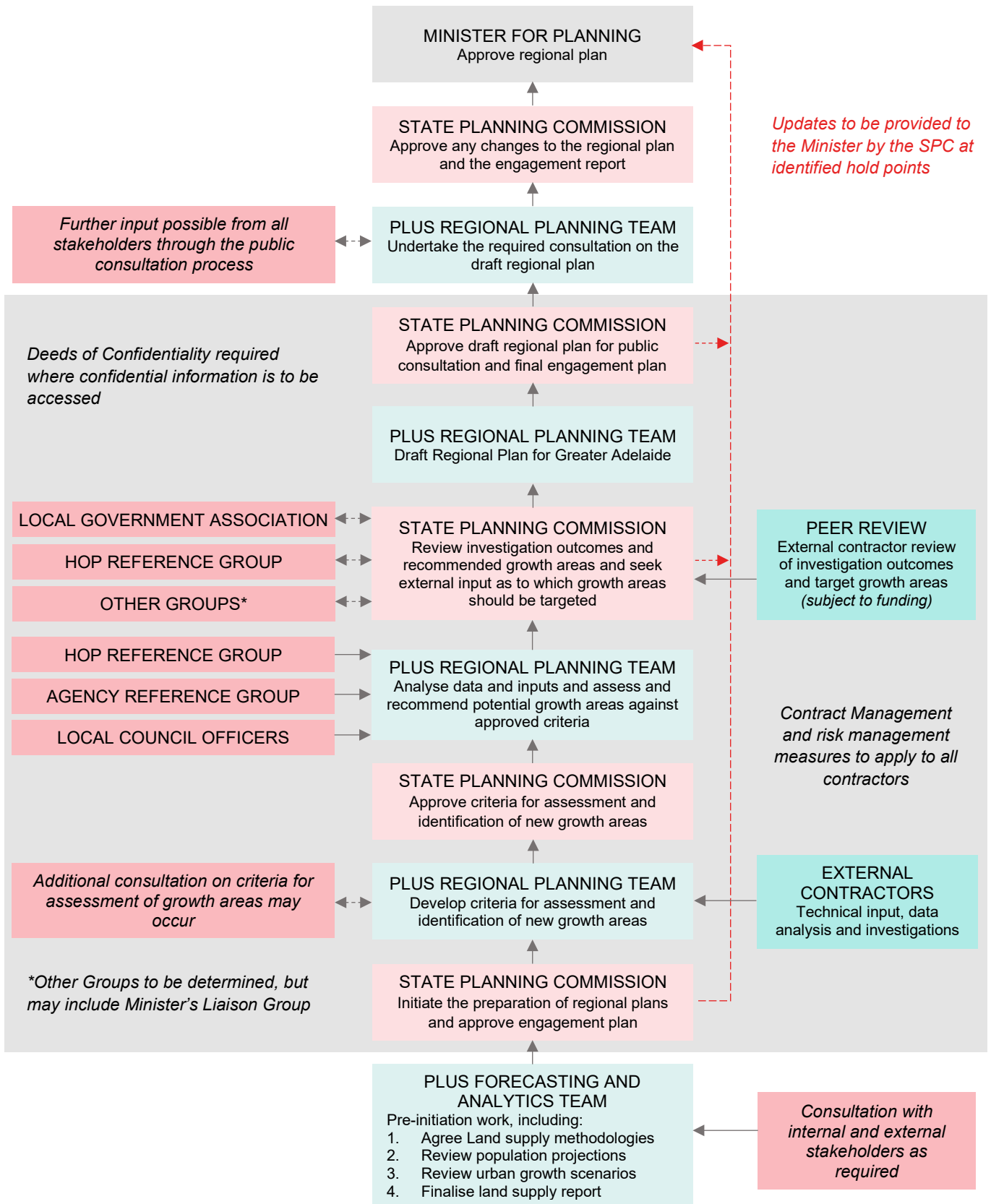
Process for Preparing a Regional Plan

A summary of the legislative process to prepare regional plans is below, with a detailed summary in **Appendix A**.

Step 1	PLUS establish the scope of the Regional Planning Program, including governance structure.
Step 2	Commission to Initiate the Preparation of the regional plans, endorse initial engagement plan and notify the Minister for Planning.
Step 3	Following a number of investigations and initial engagement with relevant stakeholders, PLUS to prepare draft regional plans (in conjunction with relevant stakeholders) for the Commission's consideration.
Step 4	PLUS to seek endorsement of any amendments required to the engagement plan to allow for consultation on the draft regional plans.
Step 5	Commission endorses draft regional plans and engagement plans before undertaking consultation.
Step 6	PLUS undertakes consultation and subsequently reviews submissions, recommends amendments to draft regional plans and prepares engagement report.
Step 7	Commission endorses draft regional plans and engagement report and progresses to Minister.
Step 8	Minister receives the engagement report and endorsed regional plans, and either makes decision or consults with Commission.
Step 9	PLUS publishes final regional plans, engagement report and any Commission advice on SA Planning Portal.

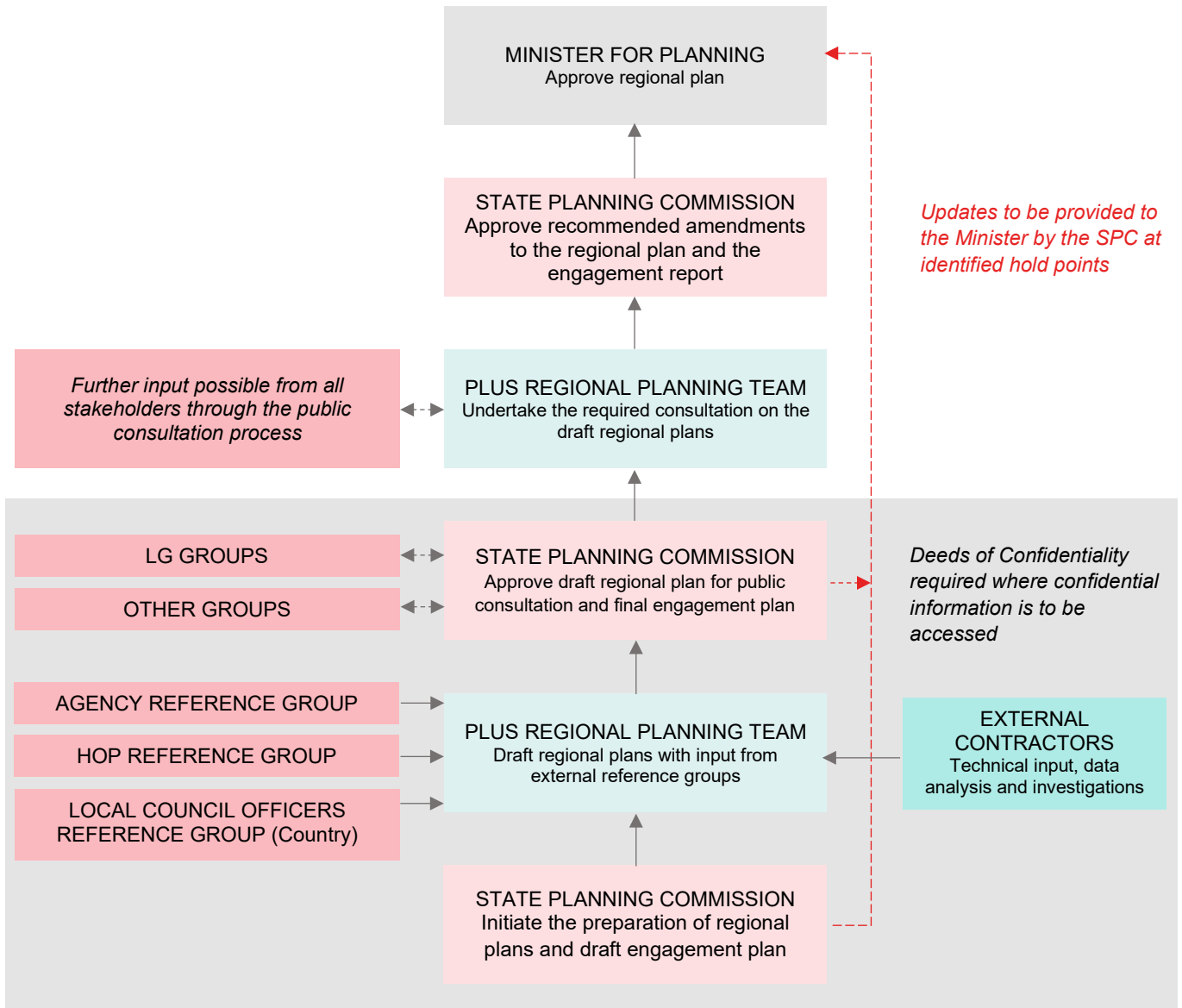
Governance Structure – Preparation of Regional Plans

Greater Adelaide Regional Plan



Governance Structure – Preparation of Regional Plans

Country Plans (Outside of Greater Adelaide)



Probity and Governance Procedures

Probity

This governance framework has been developed considering the following probity principles:

- Conducting any related process in a fair, impartial and unbiased manner
- Properly identifying and managing any actual conflicts of interest or potential conflicts of interest
- Protecting confidential information as appropriate
- Creating and maintaining an auditable trail of records for decisions made throughout the process.

Confidentiality

No person should provide details or substantive information about the Regional Planning Program that is not publicly available to any person external to the Regional Planning Project Team (including other Government employees), without the prior written approval of the Director, Growth Management.

Consultation with Land Owners

Consultation with land owners regarding identified potential growth areas must be carefully managed, as sharing confidential information with land owners prior to it being publicly released carries significant risk. As such, it is anticipated that landowners who are affected by growth planning recommendations, may be notified immediately prior (with appropriate approval) to the formal public consultation period commencing for the relevant draft regional plan. This process will be further defined and managed through the engagement plan prepared by the regional planning team.

Security of Information

Confidential Information

Throughout the Regional Planning Program, certain information may be determined and marked as confidential by the Department. This is expected to include information which identifies or indicates specific land parcels for growth, prior to its broader release to the public through the draft regional plan.

Persons involved in the Regional Planning Program must ensure that any confidential information remains confidential and is not disclosed improperly to others.

Communication will occur through secure government emails to support confidentiality and the provisions of the *State Records Act 1997* and *Freedom of Information Act 1991*. Files or documents containing confidential information which are stored using the Department's records management system will be appropriately secured, with access provided only to those working on the Regional Planning Program and requiring access to that file. Kiteworks will be used to share confidential files or documents externally to ensure access remains restricted.

Deeds of Confidentiality

When a person or entity is first engaged to work on the Regional Planning Program (or provided with confidential information as part of their involvement in a reference group), they will be required to complete a Deed of Confidentiality (the 'Deed') (**Attachment 1**) prior to being provided with any confidential information. The requirement to enter into a Deed of Confidentiality will be a condition of any involvement in the Regional Planning Program (either by contractors or government employees).

A Deed of Confidentiality is to be completed by the following parties:

- All internal employees (within PLUS) that have access to confidential information.
- All stakeholders involved in the Regional Planning Program through a reference group or otherwise.
- All external contractors engaged by the Department throughout the Regional Planning Program (Confidentiality obligations for contractors and consultants are to be included in the terms of their engagement).

The Deed of Confidentiality will:

- prohibit disclosure of confidential information by the person or entity
- provide a limited process for approval of disclosure of confidential information to third parties (for example, council officers disclosure of confidential information to Chief Executives or Elected Members on a confidential basis)
- require a person to declare current conflicts of interest
- provide a process for managing those conflicts of interest.

The Deed reminds all South Australian Government employees tasked with working on the Regional Planning Program they are required to comply with the [South Australian Public Sector Code of Ethics](#) (the Code). Amongst other things, the Code requires public sector employees to:

- deal with information about issues, facts and circumstances that they know in a confidential manner
- not misuse information gained in their official capacity by purchasing shares or other property on the basis of confidential information about the affairs of a business or of a proposed Government action
- not seek to use information for personal benefit or gain or for the personal benefit or gain of another.

Failure to comply with the Code constitutes misconduct as defined by the *Public Sector Act 2009* and may lead to disciplinary action.

Conflicts of Interest

Planning and Land Use Services, the Department, and the South Australian Government are committed to high standards of ethical conduct and place great importance on managing actual, potential or perceived conflicts of interest.

Meaning of Conflict of Interest

A conflict of interest may occur if an interest or activity influences or appears to influence a person's ability to be objective. The term covers actual, potential or perceived conflicts. Examples include:

- where a person could gain financially from business dealings, programs or services associated with the Regional Planning Program, or information obtained as a result of their involvement in the program
- where the immediate family or business connections of a person could gain financially from business dealings, programs or services as a result of involvement in the Regional Planning Program
- where a person has a role on the governing body of another organisation, where the activities of that other organisation may conflict or compete with, or benefit from, the activities of the Regional Planning Program
- where there is an association with a person, or organisation, involved in the process and there is a potential of a perceived conflict.

All Regional Planning Project Team members must sign a Conflict of Interest declaration and must disclose any actual, perceived or potential conflict as it arises (see Attachment 1).

Declaration of Conflicts

Third Party Contractors

A third-party contractor (as an individual and as an organisation) engaged to work on the Regional Planning Program will be required to declare any conflicts that may arise (up front and updated through the process). Declaration of conflicts will be a requirement in the contract engaging the contractor.

Reference Group Members and Department Employees

A Department employee or member of a reference panel who is involved in the Regional Planning Program should actively consider and monitor their associations. As soon as they become aware of an actual, potential or perceived conflict of interest, they must disclose in writing the nature and extent of the interest to either the Chair of the relevant reference group (should they sit on a reference group), or to the Director, Growth Management in any other case.

The Public Sector Code of Ethics requires all public sector employees to avoid actual or potential conflicts of interest, as well as disclose in writing any actual or potential conflicts of interest at the earliest available opportunity.

Management of Conflicts of Interests

Any actual, perceived or potential conflict of interest will be assessed and appropriately managed by the Director, Growth Management.

Where a person has declared a conflict of interest, or a perceived conflict of interest, they must not take part in any discussion or decision-making in relation to any decision where the interest may influence, or appear to influence, the final decision that is made.

Offers of gifts or benefits during the assessment of offers or other commercial decision-making must be refused, noted and reported to Director, Growth Management.

A register of disclosures will be kept and considered for conflict management.

Third Party Contractors/Consultants

A third-party contractor, or consultant, engaged to work on the Regional Planning Program should not engage in any activity or obtain any interest likely to conflict with or restrict their ability to partake in the Program in the manner envisaged. If a person engaged to work on the Regional Planning Program declares a conflict of interest that, in the opinion of the Executive Director, Planning and Land Use Services or the Director, Growth Management, prevents them from carrying out their role, they may be disengaged from undertaking further work on the Regional Planning Program. The contract engaging the contractor will provide a framework for management of this scenario, including the respective rights and obligations of each party.

In the event that a third party contractor in the form of an organisation is engaged to undertake work on the Regional Planning Program and the organisation itself has a conflict, they may still be engaged to partake in the Program where the Director, Growth Management is satisfied that the organisation is able to implement an agreed protocol within the organisation. The protocol will consider separation between groups, departments, or individuals within the same organisation (physical and electronic) —a virtual barrier that prohibits communications or exchanges of information that could cause conflicts of interest.

Implementation

Memorandum of Understanding

A Memorandum of Understanding may be entered into with stakeholder groups as required to support the implementation of this governance framework to the Regional Planning Program. These Memorandums of Understanding are non-binding agreements, which are expected to provide a mutual agreed understanding between the Commission and the stakeholder group of:

- the involvement of the stakeholder group in the Regional Planning Program
- input required from the stakeholder group in terms of contribution towards the technical investigations, data analysis, community engagement and other strategic work or information required to support the regional plans
- agreed expectations on the stakeholder group and the Commission.

In the first instance, a Memorandum of Understanding is expected to be entered into between the Commission and existing local government groups. Other Memoranda may be required throughout the Regional Planning Program.

Attachments:

1. Deed of Confidentiality – Regional Planning Program

Appendix A: Preparation of Regional Plans

Section 73(1)(a) of the *Planning, Development and Infrastructure Act 2016*

Note - Section 73(13) enables processes that relate to two or more instruments to be undertaken jointly. Accordingly, the below steps will be undertaken jointly for the preparation of all six regional plans as far as is practicable.

S=Statutory Step NS= Non-Statutory Step

