

Responsibilities and functions

Item	Responsibility	Leg Ref	Limitations/conditions in exercising function	Related actions
Planning Regions				
Create regions	Must advise Minister on proclamation of regions	s5		
Create sub-regions	Must advise Minister on proclamation of sub-regions	s6		
Environment Food Production Area				
Principles for decision making	In making any decision -	s7(3)	Must ensure that areas of rural, landscape, environmental or food production significance within Greater Adelaide are protected from urban encroachment - Commission may only vary an environment and food production area if the Commission is satisfied based on specified criteria	
Creation of additional lots	Additional allotments – May concur to a Council to grant approval	s7(5)(a)	Must have reference to the objectives set out in s7(6). Must not be for residential purposes.	If it is for residential purposes, it must be refused.
	Additional allotments – May approve	s7(5)(b)	Must have the concurrence of the Council. Must not be for residential purposes.	If it is for residential purposes, it must be refused.
Vary and area	May vary an environment and food production area	s7(8) and (9)	Conduct an inquiry and report to the Minister.	Publish in the GG and planning portal
5 yearly review	Must review on a five yearly basis	s7(10)		Assess matters set out under s7(3)(a)

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State Planning Commission				
Must have regard to.	Must, in the performance of its functions, take into account government policy, or principle or matter specified by the Minister	s17(6)		
Specialist members	May appoint additional (Specialist) members	s17(19)(1) s17(19)(2)(a)	1 or 2 persons from a list established by the Minister.	
	Must appoint additional (Specialist) members	s17(19)(2)(d)	Where prescribed.	
	Advise the Minister on expertise required of members on the list.	s17(19)(2)(b)		
Function and role	Perform the functions and roles As set out	s22(1)and (2)	Act on its own initiative, or on request – s22(3)	
Inquiry	In the conduct of an Inquiry	s22(4)	May – receive submissions, request information, and collect information. May retain information confidentially. Must report to the Minister	
Receive assistance	Request the assistance of an agency.	s22(5)		
Assistance at the direction of the Minister	Advise the Minister when directing an agency to assist.	s22(7)		
Powers of the Commission	Powers as set out.	s23		
Minister to be kept informed	Keep the Minister reasonably informed.	s24		
Minister to have access to information	Provide access to information to the Minister	s25	As required or requested, and subject to confidentiality.	
Meeting proceedings	Meeting proceedings – conference – determine manner of giving notice of conference for the purposes of achieving a quorum.	s27(4)		

Item	Responsibility	Leg Ref	Limitations/conditions in exercising function	Related actions
	Must determine its own procedures	s27(9)	Subject to the Act	
Commission Assessment Panel(s)	Must establish	s29(1)(a)		
Committees	Must establish as required	s29(1)(b)	By regulation or by the Minister – to assist the Commission	
	May establish as required	s29(1)(c)	With the approval of the Minister – to assist the Commission	
	May determine the procedures for a committee	s29(3)		
Delegations	May delegate functions and powers	s30(1)	To a person, conditions, further delegation, revoke - s30(2)	Commission to develop a delegation policy
	Must delegate planning assessment functions	s30(3)	To a delegate as described in s30(3)(a)- (c) May delegate by class of development and vary from time to time - s30(4) May be further delegated - s30(5)	
Staff and facilities	Staff and facilities – may use department staff etc	s31(3)(a)	By arrangement	
	Staff and facilities – may use or engage other persons etc	s31(3)(b)	Approval of the Minister	
Annual report	Annual report to the Minister	s32	By 30 September Contain information required by the regulations	
General functions				
Planning Agreements	Provide advice to the Minister before entering into a planning agreement.	s35(1)		
Joint Planning Boards	Provide advice to the Minister before appointing an administrator.	s41(2)(b)		

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Practice directions	May issue, vary, revoke. Envisaged for: establishment of regional plans preparation of designated instruments	s42(1) and (4) s64(5) s73(13)		Publish in the GG and planning portal
	Must prepare a practice direction to ensure controls under the Act do not conflict with or duplicate other licensing or regulatory regimes.	s42(3)		Publish in the GG and planning portal
	Must prepare a practice direction in relation to assessment of restricted development.	s109		Publish in the GG and planning portal
Practice Guidelines	May make in relation to interpretation, use and application of the Planning Rules and Building Rules.	s43(1)	Approval of Minister	Publish in the GG and planning portal
	May vary, revoke	s43(4)(b)	-	Publish in the GG and planning portal
Community Engagement Charter	Establish and maintain	s 44(2)		
	Adopt any alternative way of achieving the charter	S 44(10)		
	May direct an entity to comply with the charter, or take an action required by its direction	S 44(12)		
	Amend	S 45	Own initiative or request by Minister	Consult. Report to Minister.
	Amend form or correction	S 45(6)and(8)	Own initiative	Publish on the portal. Report to the Minister.
	Review every 5 years	s45(7)	prescribed	Publish on the portal. Report to the Minister.

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On-line planning services	May prepare and publish standards and specifications in relation to the SA Portal, Planning Database, on-line atlas.	s51(1)	Matters to be included – s51(2)	
	May determine other matters to be considered by a standard or specification	s51(2)(f)		
	Advice to the Minister on prohibiting or restricting access to information on the portal	s54(1)		
State Planning Policies	Must prepare	s58(1)		
	Determine any other matter appropriate to a spp.	s58(3)(b)	s58(2), (3)(a),(c)	
	The extent or manner to which any other matter may be the subject of a spp.	s58(3)(c)		
	Specific policies the Commission must prepare	s59 – 62		
	Must establish a SPP with respect to certain special legislative schemes	s63(1)	Consult with the relevant Minister – s63(3)	Publish in the GG
May amend a special legislative scheme SPP after seeking the advice of the Minister	s63(2)	Consult with the relevant Minister – s63(3)	Publish in the GG	
Regional Plans	Must prepare a plan for each region	s64	Other than where a joint planning board exists – s64(2) In accordance with s64(3)	
	May prepare a practice direction for regional plans	s64(5)		
Planning and Design Code	Must prepare and maintain	s65(1)	In accordance with s66, s67, s68	

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Design Standards	May prepare	s69	Must relate to the public realm or infrastructure	
Designated Instruments	May prescribe any matter or thing to be determined, dispensed with or regulated by a designated instrument.	s71(e)		
	May initiate a proposal to prepare/amend	s73(1) and (2)(a)	Own initiative or at the request of the Minister	
	Must advise the Minister when the Minister approves another body to initiate a proposal to amend	s73(2)(b)		
	Must specify a person or body to be consulted by a designated entity when preparing a proposal	s73(6)(e)		
	Must advise the Minister if required (when assessing a designated instrument)	s73(10)(e)		
	Must prepare a report when a instrument is referred to the ERD Ctte	s74(3)		
	Must advise the Minister before the Minister makes an amendment in response to the ERD Committee	s74(10)		
	Must advise the Minister in relation to initiating an amendment to the Planning and design Code.	s75(1)		
	Must advise the Minister in relation to making to a designated instrument.	s76(4)		

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Early commencement	Must advise the Minister in relation to bringing in to operation early a regional plan or the Planning and Design Code or standard.	s78(3)		
Building Related Instruments	Must advise the Minister before the Minister publishes a Ministerial building standard.	S80(4)		
	Must advise the Minister before the Minister varies or revokes Ministerial building standard.	S80(1)		
Assessment Panels	Must advise the Minister before the Minister directs a Council to substitute existing members of a panel.	S83(1)(i)		
	Must make a recommendation to the Minister before the Minister constitutes a local assessment panel under s86.	s84(1)(d)	The Commission must conduct an enquiry as set out under s86.	
	Must request a relevant authority to provide information, and adopt or continue to assess an application - where the Minister has called in a development for assessment.	s94(3)		
Delegations	May delegate functions and powers	s100(1)	As set out under s100	
Development Assessment	Must assess development	s102(1)	As set out under s102 to 105, s119, s120, s125, s126, s127, s128	
Impact assessed development	Must publish a practice direction in relation to restricted development and impact assessed development	s109(1)	Matters contained in s109(2)	

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Restricted Development	Relevant authority to assess	s110	prescribed	Procedural matters – s110
Impact Assessment by Minister	Determine level of detail required in EIS	s112	Practice direction. Views of persons prescribed by regs.	
	Prepare an assessment report	s113(9)	Prescribed	s113(10)-(12) Notify, public notice, publish, Councils
Building Consent	Concur in granting building consent for variations to the Building Code	s118(2)(a)	s118(5)	
	Provide an opinion on whether a proposed building work complies with a code or standard	s118(4)		
	Must provide advice in relation to a variation from the code or standard before a relevant authority makes a decision in relation to a State heritage Place.	s118(7)	s118(9)	
	Must accept a decision of a private certifier.	s118(8)		
	May refuse to grant building consent	s118(10)		
	May grant building consent.	s118(11)	2118(11)(a) and (b)	
Design review	Must determine the form of an application for design review	s121(3)		
	Must act, and have regard to referral advice	s121(7) and s 122		
Design standards	Recommend the Minister adopt a standard infrastructure design	s129(2)		
Essential Infrastructure	Must assess an application for essential infrastructure.	s130	As prescribed s130	

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Crown development	Must assess an application for Crown development	s131(2)	As prescribed s131	
Land Division Certificate	Must issue when satisfied prescribed conditions have been met	s138		
Uncompleted development	May apply to the court if development has not been completed	s141(1)		
	May cause work to be undertaken where work has failed to be undertaken by Court order – recover costs	s141(5) and (6)		
Completed development	May serve a notice where development has not been completed.	s142(1)		
	May cause work to be undertaken where work has failed to be undertaken in accordance with a notice – recover costs	s142(2) and (3)		
Cancellation of a development authorisation	May cancel an authorisation on application by a person with the benefit of the authorisation,	s143		
Inspection Policies	Must issue a practice direction requiring Council to carry out inspections.	s144(1)	s144(2) and (3)	
Swimming Pools	May issue a practice direction that requires a council to carry out swimming pool inspections.	S156(5)		
Initiation of General Infrastructure Scheme	Must advise the Minister in relation to the Minister initiating a general infrastructure scheme.	s164(4)	s164(5)	

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	Must advise the Minister before the Minister significantly varies a general infrastructure scheme.	s167(7)		
	Establish an arrangement to be kept informed about the operation of a scheme.	s167(12)		
	Funding arrangements – the Commission must consult with parties prior to the Minister making a recommendation	s169(9)	s169(a)(i) and (ii) and s169(10)	
Open space contribution	May require an open space contribution, or enter into an agreement	s198(1)(b) and (2)(c) and (d), and s199(1)	s198(4), (6), (10) and (12) and s199(4)	
Disputes – application to an assessment panel	Procedures to be adopted on application for review – cause action in notice not complied with – recover costs	s203(2) – (4)		
Civil enforcement	Actions to be undertaken where a breach of the Act has been committed.	s213	s213	
Civil penalties	Commence civil penalty proceedings	s225(1)	s225	Publish information about proceedings on the portal
Recovery of economic benefit	Receive payments and pay into the P&D fund	s229(1) and (4)		
Enforceable voluntary undertakings	May accept where a person has contravened the Act	s230(1)		s230(13) - Publish on portal
	May apply to Court if undertaking is contravened	s230(4)		
	Agree to a variation of an undertaking	s230(7)		s230(13) - Publish on portal

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	May accept undertaking before any proceedings have been finalised	s230(11)		s230(12) - Must seek proceedings be discontinued.
	Authorise a council to be a designated entity	s230(14)		s230(15) - May impose conditions on the Council
Regulation of advertisements	Form an opinion and order removal of an advertisement	s231(1)	s231(2)	As prescribed
	May remove advertisement of order not complied with	s231(3)		As prescribed
Copyright	Must publish information	s238(1)	s238(2) – (4)	
Inquiries	Must undertake certain inquiries and furnish reports to the Minister	s245(1) and (4)	s245(2) and (3)	
Disclosure of Financial Interest	Must submit returns as prescribed.	Schedule 1		
Performance targets	Must advise the Minister on the setting of performance targets	Schedule 4		

This table is advisory only and is not intended to supersede or replace the provisions of the PDA Act.