



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 under section 7 - | 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 of specified criteria | Variation of EFPA under section 7(8) |
| Creation of additional lots | Additional allotments – May concur with 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 an 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) |
| 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) | | |

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| 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) | | |
| | May determine its own procedures | s27(9) | Subject to the Act | |
| Commission Assessment Panel(s) | Must establish | s29(1)(a) | | |

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| 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) | | |
| Practice directions | May issue, vary, revoke. Envisaged for: establishment of regional plans preparation of designated instruments | s42(1) and (4) s64(5) and s73(13) | | Publish in the GG and planning portal |

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| | 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 | s44(2) | | |
| | Adopt any alternative way of achieving the charter | s44(10) | | |
| | May direct an entity to comply with the charter, or take an action required by its direction | s44(12) | | |
| | Amend | s45 | Own initiative or request by Minister | Consult. Report to Minister. |
| | Amend form or correction | s45(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. |
| 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) | | |

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| | 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 – 62A | | |
| | 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 | |
| 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) | | |

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| | 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 an 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) | | |
| 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. | |

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| | 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) | |
| 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) | | |

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| | May grant building consent. | s118(11) | s118(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 s122 | | |
| 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 | |
| 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) | |

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| 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) | |
| | 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) | | |

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| | Agree to a variation of an undertaking | s230(7) | | s230(13) - Publish on portal |
| | 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 PDI Act.