



Sub-delegations under the Electronic Conveyancing National Law (South Australia) Act 2013

24 April 2018

INSTRUMENT OF SUBDELEGATION

On 13 September 2016 the City of Holdfast Bay ("the Council") delegated certain powers and functions under the following Acts:


- Electronic Conveyancing National Law (South Australia) Act 2013

to the person holding the position of Chief Executive Officer (the "Head Delegation") subject to the terms and conditions specified in the relevant resolution(s) or in the Schedule of Conditions (if any) in the Head Delegation.

In exercise of the powers under Section 101 of the Local Government Act 1999 I, as Chief Executive Officer hereby:

- revoke all previous sub-delegations to the positions indicated below;
- sub-delegate such of those powers and functions identified in the Head Delegation as are specified below to the person holding the positions specified below, on the terms and conditions specified below.

The sub-delegated powers and functions may be exercised individually by each sub-delegate in respect of any particular matter where the sub-delegate is required or proposing to act in the course of their duties.


Signature

Justin Lynch
CHIEF EXECUTIVE OFFICER

24 April 2018

**CONDITIONS OF SUBDELEGATIONS MADE BY THE CHIEF
EXECUTIVE OFFICER**

Conditions applying to all sub delegations

Nil

Other Conditions

Nil

Instruments:

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Instruments

- Instrument of Delegation Under the Electronic Conveyancing National Law (South Australia) Act 2013

Delegation Sources

- Electronic Conveyancing National Law (South Australia) Act 2013

Titles

- General Manager Business Services: General Manager Business Services - Roberto Bria
- General Manager City Assets and Services: General Manager City Assets and Services - Steve Hodge/Howard Lacy
- General Manager Community Services: General Manager Community Services - Trish Aukett

Instrument of Delegation Under the Electronic Conveyancing National Law (South Australia) Act 2013

Electronic Conveyancing National Law (South Australia) Act 2013			
#	Item Delegated	Conditions and Limitations	Delegate
88292	<p>1. Client Authorisation</p> <p>1.1 The power pursuant to Section 10(1) of the Electronic Conveyancing National Law (South Australia) Act 2013 (the Act) to:</p> <p>1.1.1 complete a client authorisation:</p> <p>1.1.1.1 that is in the form required by the participation rules; and</p> <p>1.1.1.2 by which the Delegate authorises a subscriber to do one or more things on the Council's behalf in connection with a conveyancing transaction so that the transaction, or part of the transaction, can be completed electronically.</p>		<p>General Manager Community Services, General Manager City Assets and Services, General Manager Business Services</p>

Instruments:

Instrument of Delegation Under the Planning, Development and Infrastructure Act 2016 2

Instruments

- Instrument of Delegation Under the Planning, Development and Infrastructure Act 2016

Delegation Sources

- Planning, Development and Infrastructure Act 2016

Titles

- Chief Executive Officer: Chief Executive Officer - Justin Lynch
- General Manager Business Services: General Manager Business Services - Roberto Bria
- General Manager City Assets and Services: General Manager City Assets and Services - Steve Hodge/Howard Lacy
- Manager Commercial and Strategic Services: Manager Commercial and Strategic Services - Pamela Jackson
- Manager Development Services: Manager Development Services - Anthony Marroncelli
- Not Delegated by Council: Not Delegated by Council -
- Not Sub Delegated by CEO: Not Sub Delegated by CEO -

Instrument of Delegation Under the Planning, Development and Infrastructure Act 2016

Planning, Development and Infrastructure Act 2016			
#	Item Delegated	Conditions and Limitations	Delegate
157510	<p>1. Planning Regions and Greater Adelaide</p> <p>1.1 The power pursuant to Section 5(5)(b) of the Planning, Development and Infrastructure Act 2016 (the Act) to make submissions to the Minister on a proposed proclamation under Section 5 of the Act.</p>		Not Delegated by Council
157511	<p>2. Subregions</p> <p>2.1 The power pursuant to Section 6(3)(b) of the Act to make submissions to the Minister on the Minister's proposed course of action.</p>		Not Delegated by Council
157512	<p>3. Environment and Food Production Areas – Greater Adelaide</p> <p>3.1 The power pursuant to Section 7(5) of the Act, in relation to a proposed development in an environment and food production area that involves a division of land that would create 1 or more additional allotments:</p> <p>3.1.1 to seek the concurrence of the Commission in the granting of the authorisation;</p> <p>3.1.2 to concur in the granting of the development authorisation to the development;</p> <p>3.1.3 to, if the proposed development will create additional allotments to be used for residential development, refuse to grant development authorisation in relation to the proposed development.</p>		Manager Development Services, General Manager City Assets and Services
157513	<p>4. Planning Agreements</p> <p>4.1 The power pursuant to Section 35(1)(a) of the Act to enter into an agreement (a planning agreement) with the Minister relating to a specified area of the State in accordance with Section 35 of the Act.</p>		Not Delegated by Council
157514	<p>4. Planning Agreements</p> <p>4.2 The power pursuant to Section 35(3) of the Act to, in a planning agreement, include provisions that outline</p>		Not Delegated by Council

Planning, Development and Infrastructure Act 2016

#	Item Delegated	Conditions and Limitations	Delegate
	<p>the purposes of the agreement and the outcomes that the agreement is intended to achieve and to provide for:</p> <p>4.2.1 the setting of objectives, priorities and targets for the area covered by the agreement; and</p>		
157515	<p>4. Planning Agreements</p> <p>4.2.2 the constitution of a joint planning board including, in relation to such a board:</p> <p>4.2.2.1 the membership of the board, being between 3 and 7 members (inclusive); and</p> <p>4.2.2.2 subject to Section 35(4) of the Act, the criteria for membership; and</p> <p>4.2.2.3 the procedures to be followed with respect to the appointment of members; and</p> <p>4.2.2.4 the terms of office of members; and</p> <p>4.2.2.5 conditions of appointment of members, or the method by which those conditions will be determined, and the grounds on which, and the procedures by which, a member may be removed from office; and</p> <p>4.2.2.6 the appointment of deputy members; and</p> <p>4.2.2.7 the procedures of the board; and</p>		Not Delegated by Council
157516	<p>4. Planning Agreements</p> <p>4.2.3 the delegation of functions and powers to the joint planning board (including, if appropriate, functions or powers under another Act); and</p>		Not Delegated by Council
157517	<p>4. Planning Agreements</p> <p>4.2.4 the staffing and other support issues associated with the operations of the joint planning board; and</p>		Chief Executive Officer

Planning, Development and Infrastructure Act 2016			
#	Item Delegated	Conditions and Limitations	Delegate
157518	<p>4. Planning Agreements</p> <p>4.2.5 financial and resource issues associated with the operations of the joint planning board, including:</p> <p>4.2.5.1 the formulation and implementation of budgets; and</p> <p>4.2.5.2 the proportions in which the parties to the agreement will be responsible for costs and other liabilities associated with the activities of the board; and</p>		Not Delegated by Council
157519	<p>4. Planning Agreements</p> <p>4.2.6 such other matters as the Delegate thinks fit.</p>		Not Delegated by Council
157520	<p>4. Planning Agreements</p> <p>4.3 The power pursuant to Section 35(5)(a) of the Act, at the expiry of a planning agreement, to replace it with a new agreement (in the same or different terms).</p>		Not Delegated by Council
157521	<p>4. Planning Agreements</p> <p>4.4 The power pursuant to Section 35(5)(b) of the Act, to vary or terminate a planning agreement by agreement between the parties to the agreement.</p>		Not Delegated by Council
157522	<p>5. Community Engagement Charter</p> <p>5.1 The power pursuant to Section 44(6)(a) of the Act, to, in accordance with the Charter, make submissions in relation to any proposal to prepare or amend a designated instrument under Part 5 Division 2 Subdivision 5 (unless the proposal has been initiated by the Council).</p>		Not Delegated by Council
157523	<p>6. Preparation and Amendment of Charter</p> <p>6.1 The power pursuant to Section 45(2)(c) of the Act to make representations (in writing or via the SA planning portal) on a proposal to prepare or amend the Charter.</p>		Not Delegated by Council

Planning, Development and Infrastructure Act 2016			
#	Item Delegated	Conditions and Limitations	Delegate
171949	<p>6A. Preparation and Amendment</p> <p>6A.1 The power pursuant to Section 73(2)(b)(iv) of the Act to initiate a proposal to amend a designated instrument with the approval of the Minister, acting on the advice of the Commissioner.</p>		Not Sub Delegated by CEO
171950	<p>6A. Preparation and Amendment</p> <p>6A.2 The power pursuant to Section 73(6) of the Act where the Council is authorised or approved under Section 73 of the Act, and after all of the requirements of Section 73 have been satisfied:</p> <p>6A.2.1 to prepare a draft of the relevant proposal; and</p> <p>6A.2.3 to the extent that paragraph (b) of Section 73(6) of the Act does not apply, in the case of a proposed amendment to a regional plan that has been prepared by a joint planning board where the amendment is not being proposed by the joint planning board – to consult with the joint planning board; and</p> <p>6A.2.4 to the extent that paragraph (b) of Section 73(6) of the Act does not apply, in the case of a proposed amendment to the Planning and Design Code that will have a specific impact on 1 or more particular pieces of land in a particular zone or subzone (rather than more generally) – to take reasonable steps to give:</p> <p>6A.2.4.1 an owner or occupier of the land; and</p> <p>6A.2.4.2 an owner or occupier of each piece of adjacent land, a notice in accordance with the regulations; and</p> <p>6A.2.5 to consult with any person or body specified by the Commission and any other person or body as the delegate thinks fit; and</p> <p>6A.2.6 to carry out such investigations and obtain such information specified by the Commission; and</p> <p>6A.2.7 to comply with any requirement prescribed by the regulations.</p>		Manager Commercial and Strategic Services, General Manager Business Services
171951	<p>6A. Preparation and Amendment</p> <p>6A.3 The power pursuant to Section 73(8) of the Act to, after the Council has furnished a report to the Minister under Section 73(7) of the Act, ensure that a copy of the report is published on the SA planning portal in</p>		Manager Commercial and Strategic Services, General Manager Business Services

Planning, Development and Infrastructure Act 2016			
#	Item Delegated	Conditions and Limitations	Delegate
	accordance with a practice direction that applies for the purposes of Section 73 of the Act.		
171952	<p>6A. Preparation and Amendment</p> <p>6A.4 The power pursuant to Section 73(9) of the Act to enter into an agreement with a person for the recovery of costs incurred by the Council in relation to an amendment of the Planning and Design Code or a design standard under Section 73 of the Act (subject to the requirement to charge costs under Section 73(4)(b) of the Act (if relevant)).</p>		Manager Commercial and Strategic Services, General Manager Business Services
171953	<p>6B. Parliamentary Scrutiny</p> <p>6B.1 The power pursuant to Section 74(8) of the Act if the ERD Committee is proposing to suggest an amendment under Section 74(4) of the Act and the amendment is specifically relevant to the Council, to provide a comment and response within the period of 2 weeks.</p>		Manager Commercial and Strategic Services, General Manager Business Services
171954	<p>6C. Entities Constituting Relevant Authorities</p> <p>6C.1 The power pursuant to Section 82(d) of the Act, subject to the Act, to appoint an assessment panel.</p>		Not Sub Delegated by CEO
171955	<p>6D. Panels Established by Joint Planning Boards or Councils</p> <p>6D.1 The power pursuant to Section 83(1) of the Act in relation to an assessment panel appointed by the Council under Division 1 of Part 6 of the Act, to:</p> <p>6D.1.1 appoint more than 1 assessment panel and if the delegate does so, to clearly specify which class of development each assessment panel is to assess;</p> <p>6D.1.2 determine:</p> <p>6D.1.2.1 the membership of the assessment panel, being no more than 5 members, only 1 of which may be a member of a council, and, if the delegate thinks fit, on the basis that the assessment panel will be constituted by a different number of members depending on the particular class of development that is being assessed by the assessment panel; and</p>		Not Sub Delegated by CEO

Planning, Development and Infrastructure Act 2016

#	Item Delegated	Conditions and Limitations	Delegate
	<p>6D.1.2.2 the procedures to be followed with respect to the appointment of members; and</p> <p>6D.1.2.3 the terms of office of members; and</p> <p>6D.1.2.4 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; and</p> <p>6D.1.2.5 the appointment of deputy members; and</p> <p>6D.1.2.6 who will act as the presiding member of the panel and the process for appointing an acting presiding member.</p>		
171956	<p>6D. Panels Established by Joint Planning Boards or Councils</p> <p>6D.2 The power pursuant to Section 83(1)(h) of the Act to arrange the staffing and support required for the purposes of the operations of the panel.</p>		Not Sub Delegated by CEO
171957	<p>6D. Panels Established by Joint Planning Boards or Councils</p> <p>6D.3 The power pursuant to Section 83(1)(i) of the Act to substitute the existing members of the panel with new members if directed to do so by the Minister acting on recommendation of the Commission under Section 86 of the Act.</p>		Not Sub Delegated by CEO
171958	<p>6D. Panels Established by Joint Planning Boards or Councils</p> <p>6D.4 The power pursuant to Section 83(2) of the Act to form the opinion and be satisfied that a person to be appointed as a member of an assessment panel who is a member, or former member, of a council is appropriately qualified to act as a member of the assessment panel on account of the person's experience in local government.</p>		Not Sub Delegated by CEO
171959	<p>6E. Panels Established by Minister</p> <p>6E.1 The power pursuant to Section 84(1)(c)(ii)(B) of the Act to make submissions to the Minister about the</p>		Not Sub Delegated by CEO

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#	Item Delegated	Conditions and Limitations	Delegate
	constitution of a regional assessment panel in relation to the area of the Council (or part of the area).		
171960	<p>6F. Substitution of Local Panels</p> <p>6F.1 The power pursuant to Section 86(2)(a) of the Act to make submissions to the Commission in relation to an inquiry.</p>		Not Sub Delegated by CEO
157524	<p>7. Initiation of Scheme</p> <p>7.1 The power pursuant to Section 163(3)(b) of the Act to request the Minister initiate a proposal to proceed under Section 163 of the Act.</p>		Not Delegated by Council
157525	<p>7. Initiation of Scheme</p> <p>7.2 The power pursuant to Section 163(10) of the Act to consult with the Minister in relation to the draft outline.</p>		Not Delegated by Council
157526	<p>8. Consideration of Proposed Scheme</p> <p>8.1 The power pursuant to Section 166(1)(c) of the Act to consult with a scheme coordinator in relation to a scheme in accordance with the Community Engagement Charter.</p>		Chief Executive Officer
157527	<p>9. Adoption of Scheme</p> <p>9.1 The power pursuant to Section 167(7) of the Act to consult with the Minister in relation to a variation to a scheme.</p>		Not Delegated by Council
157528	<p>10. Funding Arrangements</p> <p>10.1 The power pursuant to Section 169(2)(b) of the Act in relation to a scheme that provides for the collection of contributions under Subdivision 8 of the Act to apply for a periodic review of the levels and amounts of those contributions and as part of such review for any matter to be considered or determined by ESCOSA.</p>		Not Delegated by Council

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#	Item Delegated	Conditions and Limitations	Delegate
157529	<p>10. Funding Arrangements</p> <p>10.2 The power pursuant to Section 169(8) of the Act to approve a funding arrangement that provides for or includes the collection of contributions under subdivision 8 in relation to prescribed infrastructure.</p>		Not Delegated by Council
157530	<p>10. Funding Arrangements</p> <p>10.3 The power pursuant to Section 169(9) of the Act to consult with the Commission in relation to a funding arrangement that is specifically relevant to the Council.</p>		Chief Executive Officer
157531	<p>11. Contributions by Constituent Councils</p> <p>11.1 The power pursuant to Section 177(4) of the Act to consult with the Minister in relation to the Council's share.</p>		Chief Executive Officer
157532	<p>11. Contributions by Constituent Councils</p> <p>11.2 The power pursuant to Section 177(5) of the Act to, at the request of the Minister, supply the Minister with information in the possession of the Council to enable the Minister to determine shares under Sections 177(2) and (3) of the Act.</p>		Chief Executive Officer
157533	<p>12. Imposition of Charge by Councils</p> <p>12.1 The power pursuant to Section 180(7) of the Act, if the Council incurs costs in recovering a charge as a debt, to claim the reimbursement of those costs (insofar as they are reasonable) from the relevant fund established under subdivision 9.</p>		Chief Executive Officer
157534	<p>13. Authorised Works</p> <p>13.1 The power pursuant to Section 187(1) of the Act, subject to Section 187(3) of the Act, to carry out any</p>		General Manager City Assets and Services

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#	Item Delegated	Conditions and Limitations	Delegate
	infrastructure works if the Council is authorised to so do by or under the Act or any other Act.		
157535	<p>13. Authorised Works</p> <p>13.2 The power pursuant to Section 187(5) of the Act, subject to Section 187(6) of the Act, to in relation to a proposal that involves disturbing the surface of a road, or that otherwise relates to a road to:</p> <p>13.2.1 inform the relevant road maintenance authority of the proposal at least 28 days before the proposed commencement of any work; and</p> <p>13.2.2 give the relevant road maintenance authority a reasonable opportunity to consult with the Council in relation to the matter; and</p> <p>13.2.3 ensure that proper consideration is given to the views of the road maintenance authority.</p>		General Manager City Assets and Services
157536	<p>13. Authorised Works</p> <p>13.3 The power pursuant to Section 187(5)(b) of the Act to consult with the relevant road maintenance authority in relation to the matter.</p>		General Manager City Assets and Services
157537	<p>13. Authorised Works</p> <p>13.4 The power pursuant to Section 187(5)(b) of the Act, in a case of emergency, to only comply with Section 187(5) of the Act to such extent as is practicable in the circumstances.</p>		General Manager City Assets and Services
157538	<p>14. Entry onto Land</p> <p>14.1 The power pursuant to Section 188(1) of the Act to authorise a person for the purpose of undertaking any work or activity in connection with the exercise of a power under Division 2 of Part 13 of the Act to:</p> <p>14.1.1 enter and pass over any land; and</p> <p>14.1.2 bring onto any land any vehicles, plant or equipment; and</p>		General Manager City Assets and Services

Planning, Development and Infrastructure Act 2016			
#	Item Delegated	Conditions and Limitations	Delegate
	14.1.3 temporarily occupy land; and 14.1.4 do anything else reasonably required in connection with the exercise of the power.		
157539	14. Entry onto Land 14.2 The power pursuant to Section 188(4) of the Act to pay reasonable compensation on account of any loss or damage caused by the exercise of a power under Section 188(1) of the Act.		Chief Executive Officer
157540	15. Acquisition of Land 15.1 The power pursuant to Section 189(1) of the Act, to with the consent of the Minister, acquire land for a purpose associated with infrastructure works under and in accordance with the Land Acquisition Act 1969.		Not Delegated by Council
157541	16. Review of Performance 16.1 The power pursuant to Clause 3(3) of Schedule 4 of the Act to explain the Council's actions, and to make submissions (including, if relevant, an indication of undertakings that the Council is willing to give in order to take remedial action), to the Minister.		Chief Executive Officer
157542	16. Review of Performance 16.2 The power pursuant to Clause 3(14) of Schedule 4 of the Act to make submissions to the Minister on the report on which the action to be taken by the Minister under Clause 3(13) of Schedule 4 of the Act is based.		Chief Executive Officer
157543	16. Review of Performance 16.3 The power pursuant to Clause 3(15) of Schedule 4 of the Act, if the Minister makes a recommendation to the Council under Clause 3(13)(a) of Schedule 4 of the Act and the Minister subsequently considers that the Council has not, within a reasonable period, taken appropriate action in view of the recommendation, consult with the Minister in relation to the directions of the Minister.		Chief Executive Officer

Planning, Development and Infrastructure Act 2016

#	Item Delegated	Conditions and Limitations	Delegate
157544	16. Review of Performance 16.4 The power pursuant to Clause 3(16) of Schedule 4 of the Act to comply with a direction under Clauses 3(13) or (15) of Schedule 4 of the Act.		Chief Executive Officer
157545	17. General Schemes 17.1 The power pursuant to Clause 30(3) of Schedule 8 of the Act to request the Minister make a declaration under Clause 30(2) of Schedule 8 of the Act in relation to a scheme.		Chief Executive Officer