

## INSTRUMENT OF SUB-DELEGATION

# PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL AS A COUNCIL – A DESIGNATED AUTHORITY – A DESIGNATED ENTITY

1. On the 13<sup>th</sup> September 2023 the Yorke Peninsula Council (“the Council”) delegated certain powers and functions under the following **PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL AS A COUNCIL – A DESIGNATED AUTHORITY – A DESIGNATED ENTITY** 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.
2. The powers and functions so delegated are set out in:
  - **Instrument A.**
3. In exercise of the powers under Section 44(4)(b) and 101 of the Local Government Act 1999, I, as Chief Executive Officer hereby:
  - 3.1 revoke all previous sub-delegations to the positions indicated below; and
  - 3.2 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.
4. 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.

Andrew Cameron  
CHIEF EXECUTIVE OFFICER  
Date 14<sup>th</sup> March 2024

## POWERS AND FUNCTIONS SUB-DELEGATED IN THIS INSTRUMENT



<b>PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL AS A COUNCIL – A DESIGNATED AUTHORITY – A DESIGNATED ENTITY</b>	
<b>PARAGRAPH NO(S) IN HEAD DELEGATION</b>	<b>SUB-DELEGATE</b>
<b>Paragraph 1</b> (Planning Regions and Greater Adelaide)	No sub delegation
<b>Paragraph 2</b> (Sub Regions)	No sub delegation
<b>Paragraph 3</b> (Environment and Food Production Areas – Greater Adelaide)	Not relevant
<b>Paragraph 4</b> (Functions)	Director Development Services
<b>Paragraph 5</b> (Planning Agreements)	Director Development Services
<b>Paragraph 6</b> (Appointment of Administrator)	No sub delegation
<b>Paragraph 7</b> (Community Engagement Charter)	Director Development Services Manager Development Manager Building & Compliance
<b>Paragraph 8</b> (Preparation and Amendment of Charter)	Director Development Services
<b>Paragraph 9</b> (Preparation and Amendment)	Director Development Services
<b>Paragraph 9.2, 9.3</b> (Preparation and Amendment)	Manager Development Manager Building & Compliance Consultant Town Planner Planning Officer

<p><b>Paragraph 10</b>                  (Parliamentary Scrutiny)</p>	<p>Director Development Services                  Manager Development                  Manager Building &amp; Compliance</p>
<p><b>Paragraph 11</b>                  (Complying Changes – Planning and Design Code)</p>	<p>Director Development Services                  Manager Development                  Manager Building &amp; Compliance                  Consultant Town Planner</p>
<p><b>Paragraph 12</b>                  (Entities Constituting Relevant Authorities)</p>	<p>No sub delegation</p>
<p><b>Paragraph 13.1, 13.3, 13.4</b>                  (Panels Established by Joint Planning Boards or Councils)</p>	<p>No sub delegation</p>
<p><b>Paragraph 14</b>                  (Panels Established by Minister)</p>	<p>Director Development Services</p>
<p><b>Paragraph 15</b>                  (Substitution of Local Panels)</p>	<p>Director Development Services</p>
<p><b>Paragraph 16</b>                  (Notification of Acting)</p>	<p>Director Development Services                  Manager Development                  Manager Building &amp; Compliance                  Consultant Town Planner                  Consultant Building Surveyor                  Building Officer                  Assessment Manager</p>
<p><b>Paragraph 17</b>                  (Relevant Authority – Commission)</p>	<p>No sub delegation</p>
<p><b>Paragraph 18</b>                  (Matters Against which Development Must be Assessed)</p>	<p>Director Development Services</p>

<p><b>Paragraph 19.1, 19.2</b>                  (Restricted Development)</p>	<p>Director Development Services                  Manager Development                  Manager Building &amp; Compliance                  Assessment Manager                  Consultant Town Planner                  Planning Officer</p>
<p><b>Paragraph 19.3</b>                  (Restricted Development)</p>	<p>Director Development Services</p>
<p><b>Paragraph 20</b>                  (Level of Detail)</p>	<p>Director Development Services                  Manager Development                  Manager Building &amp; Compliance                  Assessment Manager                  Consultant Town Planner                  Planning Officer</p>
<p><b>Paragraph 21</b>                  (EIS Process)</p>	<p>Director Development Services</p>
<p><b>Paragraph 22</b>                  (Amendment of EIS)</p>	<p>Director Development Services</p>
<p><b>Paragraph 23</b>                  (Essential Infrastructure – Alternative Assessment Process)</p>	<p>No sub delegation</p>
<p><b>Paragraph 24</b>                  (Development Assessment – Crown Development)</p>	<p>Director Development Services                  Manager Development                  Manager Building &amp; Compliance                  Consultant Town Planner</p>
<p><b>Paragraph 25.1</b>                  (Land Division Certificate)</p>	<p>Director Development Services</p>
<p><b>Paragraph 25.2</b>                  (Land Division Certificate)</p>	<p>Director Development Services                  Manager Development                  Manager Building &amp; Compliance                  Consultant Town Planner                  Planning Officer</p>
<p><b>Paragraph 26</b>                  (Action if Development not Completed)</p>	<p>Director Development Services</p>



<p><b>Paragraph 27.1, 27.4</b> (Completion of Work)</p>	<p>Director Development Services                  Manager Development                  Manager Building &amp; Compliance                  Consultant Town Planner                  Consultant Building Surveyor                  Planning Officer                  Building Officer                  Senior Compliance Officer                  Cadet Building Officer</p>
<p><b>Paragraph 27.2</b> (Completion of Work)</p>	<p>Director Development Services                  Manager Building &amp; Compliance                  Building Officer                  Senior Compliance Officer                  Cadet Building Officer</p>
<p><b>Paragraph 27.3</b> (Completion of Work)</p>	<p>Director Development Services                  Manager Development                  Manager Building &amp; Compliance</p>
<p><b>Paragraph 28</b> (Notification During Building)</p>	<p>Director Development Services                  Manager Development                  Manager Building &amp; Compliance                  Consultant Town Planner                  Consultant Building Surveyor                  Building Officer                  Planning Officer                  Senior Compliance Officer                  Cadet Building Officer</p>
<p><b>Paragraph 29</b> (Classification of Building)</p>	<p>Director Development Services                  Manager Building &amp; Compliance                  Consultant Building Surveyor                  Building Officer                  Cadet Building Officer</p>
<p><b>Paragraph 30</b> (Certificates of Occupancy)</p>	<p>Director Development Services                  Manager Building &amp; Compliance                  Consultant Building Surveyor                  Building Officer</p>
<p><b>Paragraph 31</b> (Temporary Occupation)</p>	<p>Director Development Services                  Manager Building &amp; Compliance                  Consultant Building Surveyor                  Building Officer</p>

<p><b>Paragraph 32.1</b> (Emergency Orders)</p>	<p>Director Development Services Manager Building &amp; Compliance Consultant Building Surveyor Building Officer</p>
<p><b>Paragraph 32.2, 32.3</b> (Emergency Orders)</p>	<p>Director Development Services Manager Development Manager Building &amp; Compliance</p>
<p><b>Paragraph 33</b> (Fire Safety)</p>	<p>No sub delegation</p>
<p><b>Paragraph 34</b> (Initiation of Scheme)</p>	<p>Director Development Services</p>
<p><b>Paragraph 35</b> (Initiation of Scheme)</p>	<p>Director Development Services</p>
<p><b>Paragraph 36</b> (Consideration of Proposed Scheme)</p>	<p>Director Development Services Manager Development Manager Building &amp; Compliance</p>
<p><b>Paragraph 37</b> (Adoption of Scheme)</p>	<p>Director Development Services</p>
<p><b>Paragraph 38</b> (Funding Arrangements)</p>	<p>Director Development Services Manager Development Manager Building &amp; Compliance</p>
<p><b>Paragraph 39</b> (Contributions by Constituent Councils)</p>	<p>No sub delegation</p>
<p><b>Paragraph 40</b> (Imposition of Charge by Councils)</p>	<p>Director Development Services Manager Development Manager Building &amp; Compliance</p>
<p><b>Paragraph 41</b> (Authorised Works)</p>	<p>Director Development Services Manager Development Manager Building &amp; Compliance Director Assets &amp; Infrastructure Services</p>



<p><b>Paragraph 42</b> (Entry onto Land)</p>	<p>Director Development Services                  Manager Development                  Manager Building &amp; Compliance                  Director Assets &amp; Infrastructure Services                  Planning Officer                  Building Officer                  Senior Compliance Officer                  Cadet Building Officer</p>
<p><b>Paragraph 43</b> (Acquisition of Land)</p>	<p>No sub delegation</p>
<p><b>Paragraph 44.1, 44.2, 44.3, 44.6, 44.7, 44.8, 44.11, 44.12</b> (Land Management Agreements)</p>	<p>No sub delegation</p>
<p><b>Paragraph 44.4, 44.5, 44.9, 44.10</b> (Land Management Agreements)</p>	<p>Director Development Services</p>
<p><b>Paragraph 44.13, 44.14</b> (Land Management Agreements)</p>	<p>Manager Building &amp; Compliance                  Consultant Building Surveyor                  Building Officer</p>
<p><b>Paragraph 45.1, 45.2, 45.3, 45.5, 45.6</b> (Land Management Agreements – Development Applications)</p>	<p>No sub delegation</p>
<p><b>Paragraph 45.4, 45.7, 45.8</b> (Land Management Agreements – Development Applications)</p>	<p>Director Development Services                  Manager Development                  Manager Building &amp; Compliance                  Consultant Town Planner                  Planning Officer</p>
<p><b>Paragraph 45.9</b> (Land Management Agreements – Development Applications)</p>	<p>Director Development Services                  Manager Development                  Manager Building &amp; Compliance                  Consultant Town Planner                  Planning Officer</p>
<p><b>Paragraph 46.1, 46.2, 46.3, 46.6</b> (Off-setting Contributions)</p>	<p>Director Development Services</p>

<b>Paragraph 46.4</b> (Off-setting Contributions)	Director Corporate & Community Services Manager Financial Services
<b>Paragraph 47.1, 47.2, 47.3, 47.5</b> (Open Space Contribution Scheme)	Director Development Services Manager Development Manager Building & Compliance
<b>Paragraph 47.4</b> (Open Space Contribution Scheme)	Director Development Services Director Corporate & Community Services Manager Financial Services
<b>Paragraph 48</b> (Urban Trees Fund)	No sub delegation
<b>Paragraph 49</b> (Appointment of Authorised Officers)	No sub delegation
<b>Paragraph 50</b> (Enforcement Notices)	Director Development Services Manager Development Manager Building & Compliance Building Officer Planning Officer Senior Compliance Officer Ranger
<b>Paragraph 51</b> (Applications to Court)	Director Development Services Manager Development Manager Building & Compliance
<b>Paragraph 52</b> (Proceedings for Offences)	Director Development Services Manager Development Manager Building & Compliance
<b>Paragraph 53</b> (Adverse Publicity Orders)	Director Development Services Manager Development Manager Building & Compliance
<b>Paragraph 54</b> (Civil Penalties)	Director Development Services Manager Development Manager Building & Compliance
<b>Paragraph 55</b> (Make Good Order)	Director Development Services Manager Development Manager Building & Compliance





<p><b>Paragraph 56</b> (Recovery of Economic Benefit)</p>	<p>Director Development Services Manager Development Manager Building &amp; Compliance Director Corporate &amp; Community Services Manager Financial Services</p>
<p><b>Paragraph 57</b> (Enforceable Voluntary Undertakings)</p>	<p>Director Development Services Manager Development Manager Building &amp; Compliance</p>
<p><b>Paragraph 58</b> (Advertisements)</p>	<p>Director Development Services Manager Development Manager Building &amp; Compliance Consultant Town Planner Planning Officer Building Officer Senior Compliance Officer Ranger Cadet Building Officer</p>
<p><b>Paragraph 59</b> (Professional Advice to be Obtained in Relation to Certain Matters)</p>	<p>Director Development Services Manager Development Manager Building &amp; Compliance Consultant Town Planner Consultant Building Surveyor Planning Officer Building Officer</p>
<p><b>Paragraph 60</b> (Charges on Land)</p>	<p>Director Development Services Manager Development Manager Building &amp; Compliance</p>
<p><b>Paragraph 61</b> (Registering Authorities to Note Transfer)</p>	<p>No sub delegation</p>
<p><b>Paragraph 62</b> (Reporting)</p>	<p>No sub delegation</p>
<p><b>Paragraph 63</b> (Review of Performance)</p>	<p>Director Development Services</p>
<p><b>Paragraph 64</b> (Planning and Design Code)</p>	<p>Director Development Services</p>



<b>Paragraph 65</b> (General Schemes)	Director Development Services
<b>Paragraph 66</b> (Adoption of DPAs)	Director Development Services
<b>Paragraph 67</b> (Mutual Liability Scheme – Rights of Indemnity)	No sub delegation
<b>Paragraph 68</b> (Performance Assessed Development and Restricted Development)	Director Development Services Manager Development Manager Building & Compliance
<b>Paragraph 69</b> (Underground Main Areas)	Director Development Services Manager Development Manager Building & Compliance Consultant Town Planner
<b>Paragraph 70</b> (Width of Roads and Thoroughfares)	Director Development Services
<b>Paragraph 71</b> (Road Widening)	Director Development Services
<b>Paragraph 72</b> (Requirement as to Forming of Roads)	Director Development Services
<b>Paragraph 73</b> (Construction of Roads, Bridges, Drains and Services)	Director Development Services
<b>Paragraph 74</b> (Supplementary Provisions)	Director Development Services
<b>Paragraph 75</b> (General Provisions)	Director Development Services Manager Development Manager Building & Compliance Consultant Town Planner Planning Officer



<p><b>Paragraph 76</b> (Notifications During Building Work)</p>	<p>Director Development Services Manager Building &amp; Compliance Consultant Building Surveyor Building Officer Building Surveyor Cadet Building Officer</p>
<p><b>Paragraph 77</b> (Essential Safety Provisions)</p>	<p>Director Development Services Manager Building &amp; Compliance Consultant Building Surveyor Building Officer Building Surveyor</p>
<p><b>Paragraph 78</b> (Classification of Buildings)</p>	<p>Director Development Services Manager Development Manager Building &amp; Compliance Consultant Building Surveyor Consultant Town Planner Planning Officer Building Officer</p>
<p><b>Paragraph 79</b> (Required Documentation)</p>	<p>Director Development Services Manager Development Manager Building &amp; Compliance Consultant Building Surveyor Consultant Town Planner Planning Officer Building Officer Building Surveyor Cadet Building Officer</p>
<p><b>Paragraph 80</b> (Statement of Site Suitability)</p>	<p>Director Development Services Manager Development Manager Building &amp; Compliance Consultant Building Surveyor Consultant Town Planner Planning Officer Building Officer</p>
<p><b>Paragraph 81</b> (Report from Fire Authority)</p>	<p>Director Development Services Manager Development Manager Building &amp; Compliance Consultant Building Surveyor Consultant Town Planner Planning Officer Building Officer</p>



<p><b>Paragraph 82</b> (Issue of Certificate of Occupancy)</p>	<p>Director Development Services Manager Building &amp; Compliance Consultant Building Surveyor – Mr Peter Harmer (Harmer Consulting) Building Officer</p>
<p><b>Paragraph 83</b> (Revocation)</p>	<p>Director Development Services Manager Development Manager Building &amp; Compliance Consultant Building Surveyor Consultant Town Planner Planning Officer Building Officer</p>
<p><b>Paragraph 84</b> (Mining Production Tenements)</p>	<p>No sub delegation</p>
<p><b>Paragraph 85</b> (Register of Land Management Agreements Section 193)</p>	<p>Director Development Services Manager Development Manager Building &amp; Compliance</p>
<p><b>Paragraph 86</b> (Authorised Officers and Inspections)</p>	<p>No sub delegation</p>
<p><b>Paragraph 87</b> (Calculation or Assessment of Fees)</p>	<p>Director Development Services Manager Development Manager Building &amp; Compliance Building Officer Planning Officer Cadet Building Officer</p>
<p><b>Paragraph 88</b> (Waiver or Refund of Fee)</p>	<p>Director Development Services Manager Development Manager Building &amp; Compliance</p>
<p><b>Paragraph 89</b> (Requirements in Relation to Preparing an Engagement Plan)</p>	<p>Director Development Services Manager Development Manager Building &amp; Compliance Consultant Town Planner Planning Officer</p>

<p><b>Paragraph 90</b>                  (Preparation of an Engagement Report – Following Consultation)</p>	<p>Director Development Services                  Manager Development                  Manager Building &amp; Compliance                  Consultant Town Planner                  Planning Officer</p>
<p><b>Paragraph 91</b>                  (Initiating a Code Amendment)</p>	<p>Director Development Services</p>
<p><b>Paragraph 92</b>                  (Preparation of a Draft Code Amendment – Prior to Consultation)</p>	<p>Director Development Services                  Manager Development                  Manager Building &amp; Compliance                  Consultant Town Planner                  Planning Officer</p>
<p><b>Paragraph 93</b>                  (Requirements For a Draft Code Amendment)</p>	<p>Director Development Services                  Manager Development                  Manager Building &amp; Compliance                  Consultant Town Planner                  Planning Officer</p>
<p><b>Paragraph 94</b>                  (Complying Changes to the Code)</p>	<p>Director Development Services                  Manager Development                  Manager Building &amp; Compliance                  Consultant Town Planner                  Planning Officer</p>
<p><b>Paragraph 95</b>                  (Early Commencement of a Code Amendment)</p>	<p>Director Development Services</p>
<p><b>Paragraph 96</b>                  (Responsibility to Undertake Notification)</p>	<p>Director Development Services                  Manager Development</p>
<p><b>Paragraph 97</b>                  (Mandatory Inspections)</p>	<p>Director Development Services                  Manager Building &amp; Compliance                  Consultant Building Surveyor                  Building Officer                  Cadet Building Officer</p>



<p><b>Paragraph 98</b> (Additional Inspections)</p>	<p>Director Development Services                  Manager Building &amp; Compliance                  Consultant Building Surveyor                  Building Officer                  Cadet Building Officer</p>
<p><b>Paragraph 99</b> (Inspections Generally)</p>	<p>Director Development Services                  Manager Building &amp; Compliance                  Consultant Building Surveyor                  Building Officer                  Cadet Building Officer</p>
<p><b>Paragraph 100</b> (General Requirements)</p>	<p>Director Development Services                  Manager Development                  Manager Building &amp; Compliance</p>
<p><b>Paragraph 101</b> (Conditions that Must be Met for the Staged Occupation of a Partially Completed Building)</p>	<p>Director Development Services                  Manager Building &amp; Compliance                  Consultant Building Surveyor                  Building Officer</p>



**SCHEDULE OF CONDITIONS**

**CONDITIONS OR LIMITATIONS  
APPLICABLE TO DELEGATIONS  
CONTAINED IN THIS INSTRUMENT**

Paragraph(s) in instrument to which conditions/limitations apply	Conditions/Limitations
1-82	The sub-delegate must exercise the powers and functions in accordance with the Planning, Development and Infrastructure Act 2016 including the requirement that the sub-delegate not exercise any powers and functions delegated to the sub-delegate for which prescribed qualifications are required under the Planning, Development and Infrastructure Act 2016 unless the sub-delegate holds the prescribed qualifications specified.