

Application to use Local Government Land or Roads

Are you wishing to undertake an activity or works on/or under Council managed land or roads? Do you already have an agreement for the use of the land?

Depending your response, your answers will determine what type of Application and ultimately approval, consent or support you will need.

PLEASE READ THE INSTRUCTIONS BELOW TO ASSIST YOU WITH THE COMPLETION OF YOUR APPLICATION

Note:

- 1. Your application may be rejected or returned to you for further information if all questions and information is not provided.*
- 2. Fees may be payable in relation to this process, depending on its complexity and any ultimate consents.*

SECTION 1 – Type of Application

Please indicate the purpose of Application

- ☐ Seeking support a Grant Application for activity/works on Council managed land/road.
- ☐ Seeking support for a Development Application, for land or building under existing lease or licence on Council managed land/road.
- ☐ Complying with terms of existing lease, licence or permit for council managed land/road.
- ☐ Undertake an activity or works on Council managed land, roads or building where there is no existing lease, licence or permit held by the Applicant.

Note: Support for a Development Application on local government land cannot be provided if there is no current tenure held by the Applicant.

SECTION 2 – Project Details

Please be as detailed as possible in describing your proposed project, activity or works. Copies of supporting documentation such as the Grant Application, plans, quotes and photos are required so that where possible, Council Officers can undertake a desktop assessment without the need to visit the proposed location.

SECTION 3 – Applicant Details

Please ensure that you include the ABN details and contact details for a person if the Applicant is a company or community/sporting group.

SECTION 4 - Applicant's Relationship to the Land

Do you currently hold a lease, licence or permit over the land – if so details are to be provided. If not, on what basis is it proposed that the activity or works is undertaken.

SECTION 5 – Property Details

So that we can confirm that the location of activity or works is located on Council managed lands, we require the Land Title Details including allotment or section number, Deposited Plan number and Certificate of Title Volume and Folio number details, in addition to the physical address. These can be found on

<https://sappa.plan.sa.gov.au/>.

If the land title number commences with CR then the land is actually crown land and owned by the Crown, not Council. Council has care, control and management of some of these lands on Kangaroo Island. In these cases Council is required to manage the land consistently with its dedicated purpose and any conditions imposed by the Crown as part of council's custodianship of the land, which may include referring certain applications to the Crown for certain approvals.

If more than one parcel of land is effected, details for every parcel are required. If the land is a road, please provide details of the adjoining land parcels. Council is required to prepare and maintain a Community Land Management Plan (CLMP) for all community land under its care and control. This includes all Crown Lands under Council's custodianship.

Any works or activities are required to comply with council's community land management plan data sheet for the land. Applicants are required to consult the relevant Data sheet to consider if their proposed activity or works is consistent with the Management Plan. *Refer to councils land management plan available on the website https://www.kangarooisland.sa.gov.au/_data/assets/pdf_file/0028/345961/KIC-CLM-Plan-20160715.pdf*

If you are seeking support for a Grant Application and the land is Crown Land, then Council will write to the Department responsible for Crown Lands at the appropriate time (eg after being notified of grant funding approval) on behalf of the Applicant seeking the requisite consent. If the land is Council owned land, then at the appropriate time (eg after being notified of grant funding approval) Council will write to the Applicant advising of any conditions associated with the Landowner Consent to the works in accordance with the lease/licence.

SECTION 6 – Ownership + Ongoing Maintenance

Clarity is sought with regard to the ownership and ongoing maintenance and insurance of any activity or works.

The doctrine of fixtures applies to anything erected on crown land, ie it becomes the property of the Crown unless the Crown has agreed in writing for it to remain the property of the Applicant. Similarly with Council owned land, the improvement will become the property of Council unless provided for in the lease or licence or other agreement.

Note: if the improvement is to be 'gifted' to Council, a number of pre-conditions will be required to be met including financial acquittal and possibly formal resolution of Council accepting the 'gift'

Council may still, in providing consent require the Applicant to maintain/repair or insure the improvement, or otherwise seek reimbursement for any costs incurred by Council maintaining/repairing or insuring the item in accordance with the lease/licence/permit or as identified in the Landowner Consent.

If it is agreed that the improvement is to remain the property of the Applicant, subject to the lease/licence/permit, the Applicant can remove the improvement at any time.

If the improvement is to become the property of the Council or the Crown, unless otherwise specified in writing, there will be no undertaking of the Council or Crown to retain the improvement in situ for any given period of time.

Subject to any other written agreement, a lease or licence, or permit may also require the Applicant to remove the improvement at the expiry of the term or at any other time for any reason, at the cost of the Applicant.

CHECKLIST

Once you have completed the Application – please use the Checklist at the front to confirm that you have completed all necessary Sections.

Checklist of information required from Applicant

Have you answered all of the Questions:

- ☐ Type of Landowner Consent sought
- ☐ Applicant details
- ☐ Project Name
- ☐ Project Description
- ☐ Council Land or Road details
- ☐ Will the work/activity be contained solely within the single land parcel
- ☐ Site Location
- ☐ Consistency with Community Land Management Plan (CLMP) Data Sheet
- ☐ Applicant's Current Relationship to the Land
- ☐ Who is to be the Owner of the improvement
- ☐ Is it a Permanent or Temporary improvement
- ☐ Voluntary or directed Removal of improvement
- ☐ Future responsibility for Maintenance/repair/insurance of improvement

Have you included additional attachments:

- ☐ Copy of Grant Application or Development Application
- ☐ Relevant CLMP Data Sheet
- ☐ A4 Images/maps, identifying the land and the works/activity location marked.
- ☐ Site Plan
- ☐ Works/purchase/installation quotes
- ☐ photos

Please Note: Your application may be rejected or returned to you for further information if all questions and information is not provided.

Note:

1. *There are a number of legislative and administrative steps, as well as defined processes to be considered and followed by Council, in relation to the management of local government land, including the possible requirement for a period of Public Consultation. These steps and processes may uncover impediments, some currently unknown. These processes must be followed before any lease, licence or permit can be considered by Council and a lease, licence or permit in the terms desired by the Applicant may or may not be approved or achievable.*
2. *Council staff will be required to review your application in line with the CLMP. In the event that it does not align with the CLMP (or a CLMP does not exist) either your application MAY be refused or referred to a Council Meeting to determine if the CLMP will be modified in accordance with the provisions of the Local Government Act which may include a period of Public Consultation and may take a period of six months or more to achieve.*
3. *Works or activities cannot commence until any required amendments to the CLMP are made.*
4. *In Principle Support for a Grant Application does not automatically mean that Council will grant the Applicant a Lease/Licence or Permit if no such agreement currently exists.*
5. *Support for a Development Application on local government land cannot be provided if there is no current tenure held by the Applicant.*
6. *If the consent sought is not to support a Grant Application nor a DA for a current lessee/licensee, nor consent under a current lease or licence, then please contact Council in order to discuss your Application as additional information/forms may be required*

Application to use Local Government Land or Roads

Please complete Sections 1 – 6 and return completed form and attachments to:

In Person: Kangaroo Island Council, 43 Dauncey Street, Kingscote
Penneshaw Community Business Centre, 99 Middle Terrace, Penneshaw

By Post: PO Box 121, Kingscote SA 5223

Fax: 08 8553 2885

Email: kicouncil@kicouncil.sa.gov.au

Section 1 – TYPE OF APPLICATION

Landowner Consent is sought to:

(tick all that apply)

- ☐ Support a Grant Application
- ☐ Support Development Application, for land or building under existing lease or licence
- ☐ Comply with terms of existing lease, licence or permit
- ☐ Undertake an activity or works on Council managed land, roads or building where there is no existing lease, licence or permit held by the Applicant and no development consent is required.

Section 2 - PROJECT DETAILS

Project Name	
Description of Project	
Required Supporting Documentation	<p>Copy of Grant Application or development application attached, where applicable</p> <p>Additional information incl. Quotations, Plans, photos attached</p> <p>A4 Image/map/plans, with the site area of the works/activity location marked attached, including.</p> <p>a)The whole of the land parcel (identifying the parcel if more than one parcel shown</p> <p>b) An enlargement of the relevant section of the land parcel showing the size and location of the work/activity/ improvement site with a marked scale.</p>

Will the works or activity result in something being erected on the land (ie creation or installation of an improvement/fixture)	<p>Yes</p> <p>No</p>
Is it intended that the improvement is to remain in situ permanently or until otherwise replaced?	<p>Yes</p> <p>No, (IF NO, Date to be removed_____)</p>

Section 3 - APPLICANT DETAILS	
Applicant/ Organisation Name	
ABN	
Contact Person (if applicant is a business or organisation)	
Address	

Section 4 - APPLICANT'S RELATIONSHIP TO THE LAND		
Does the Applicant currently hold a lease license or permit over the whole or part of the land or road where the works/activity is to take place		<p>Yes</p> <p>No</p>
IF YES,	Applicants' arrangement with the land is	<p>Leaseholder</p> <p>Licensee</p> <p>Permanent Seasonal Permit Holder</p> <p>Seasonal Permit Holder (re-negotiated annually)</p> <p>Other</p>
	Lease/Licence/Permit Number	
	Expiry / End Date	
	Clause number of lease/licence agreement /permit under which the permission is sought	
If NO	Please provide details on what basis this application is made.	

Section 5 - PROPERTY DETAILS (Land or Road Details)

(details and imagery can be found by searching <https://sappa.plan.sa.gov.au/>)

Street Address	
Land Title Details <ul style="list-style-type: none"> - Allotment No - Plan - CT/CR No <p><i>Note</i></p> <ul style="list-style-type: none"> - if road, details of land parcel(s) immediately adjacent to road location - If more than one parcel of land is impacted please provide details for all parcels - 	
Will the work/activity be contained solely within the single land parcel <i>If NO, please provide evidence of neighbouring land owner consent.</i>	<p>Yes</p> <p>No</p>
Is there a Community Land Management Plan (CLMP) for the identified land <i>Refer to councils land management plan available on the website</i> https://www.kangarooisland.sa.gov.au/_data/assets/pdf_file/0028/345961/KIC-CLM-Plan-20160715.pdf	<p>Yes, (Copy of Data Sheet from Council Lands Management Plan relevant to the land(s) in question is attached to this application)</p> <p>No, there is no CLMP</p>
Is the proposed works/activities consistent with the CLMP	<p>Yes</p> <p>No</p> <p>Not Sure</p>

Section 6 –OWNERSHIP + ONGOING MAINTENANCE

Is it intended for the Improvement to remain under the Applicant's ownership	<p>Yes</p> <p>No (IF NO, Identify owner_____)</p>
IF YES, is this consistent with the lease/licence or is permission being sought under the lease/licence.	<p>Yes consistent</p> <p>No, not consistent - permission being sought</p> <p>No, no current lease, licence or agreement</p>
Maintenance/repair/insurance of improvement	<p>Applicant</p> <p>Seeking Council or Crown to maintain/repair/insure.</p>