

Letter of Support for Grant Application

Are you seeking support for a Grant 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 if your Grant Application is successful.

WHAT DOES A LETTER OF SUPPORT MEAN?

Letters of Support may be either *unconditional* or may be *in principle*.

A **Letter of Unconditional Support** is provided where the Applicant is NOT seeking any financial, other contribution or use of Council land or roads if the grant application is successful to deliver their objective/project.

Eg a KI Community Group seeking third party grant monies to stage an exhibition in Adelaide.

A **Letter of In Principle Support** is provided where the Applicant is seeking financial/or in kind contribution or is seeking to use Council land or Assets if the Grant Application is successful to deliver their objective/project.

A Letter of Support for a Grant Application is **not** an approval to undertake the activity or works on Council land or roads.

The Letter of Support will most likely be *in principle* in relation to activities or works to be undertaken on Council land or roads and will have conditions. Conditions may include any combination of the following:

- The Applicant advising Council on the outcome of their Grant Application within 7 days of the notification of the formal decision;
- The Applicant seeking permission under an existing Lease to undertake the activity or works;
- The Applicant seeking permission under an existing licence to undertake the activity or works;
- The Applicant seeking permission under an existing permit to undertake the activity or works;
- Where the existing Lease or Licence or Permit to occupy the identified area of land or road does not allow for the activity or works, either to:
 - Vary the Lease;
 - Vary the Licence;
 - Vary the Permit;
 - Obtaining a new Permit and/or Authorisation;
- Where the Applicant has no existing agreement to occupy the identified area of council land or road, either to:
 - Obtaining a Lease;
 - Obtaining a Licence;
 - Obtaining a Permit and/or Authorisation;
- Crown Consent being obtained in relation to dedicated land;
- The Applicant seeking all necessary development approvals;
- The Applicant maintaining and insuring any assets built or installed on the land;

- If the Applicant is not a legal entity, then they must incorporate as a company or register as an Incorporated Association within 1 month of the approval of the Grant or otherwise enter an AUSPICE agreement with a 3rd party approved by Council;
- Any other condition set by Council.

Any of the above conditions may also be subject to, and dependant on the outcome following a period of public consultation.

The reason that the Letter of Support is conditional is that none of the above permissions, agreements or approvals can be considered until **after** the Applicant **has the funds** – eg Council won't enter a lease agreement for land where the intention was to build a community indoor swimming facility on council land when the lessee has no capacity to proceed with the development if they are unsuccessful in their grant application.

PLEASE READ THE INSTRUCTIONS 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. 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.*
- 3. Works or activities the subject of a Grant cannot commence on Council land or roads until any required amendments to the Community Land Management Plan are made and a lease/licence/permit/authorisation or other form of consent issued.*
- 4. 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 and the outcomes desired by the Applicant may or may not be approved or ultimately achievable despite the provision of a Letter of Support from Council.*
- 5. Fees may be charged in relation to this process, depending on its complexity and any ultimate outcome.*

SECTION 1 – Type of Application

Please indicate the purpose of Application

- Seeking support of a Grant Application for activity/works on Council managed land/road.
- Seeking support of a Grant Application for activity/works on Council managed land/road and private land.
- Seeking support of a Grant Application for activity/works on private land.
- Seeking support of a Grant Application for activity/works NOT associated with any Council Land or Roads or Private land on KI.

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 own or 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?

Whether or not a lease exists in relation to Council land or if it allows for the activity or works to proceed with the written consent of Council will determine the conditions attached to the Letter of Support. Each matter is assessed on an individual basis when the Application is received.

SECTION 5 – Property Details

So that we can confirm that the location of activity or works, we require the Land Title Details including allotment or section number, Deposited Plan number and Certificate of Title/Crown Record 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 not owned by 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 requests to the Crown for approval.

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 parcel(s).

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

Changes and updates to the CLMP are not required to enable issuing of a Letter of in principle Support for a Grant Application, but this will trigger an internal Council review of the CLMP (and dedication, if applicable), and an update to the CLMP may be required on successful notification of the Grant Application.

After the Applicant has been advised of the successful outcome of the Grant Application, they will be required to seek the further consent of Council to undertake the works or activity, as outlined in the Letter of Support and that consent may take the form of a Lease, Licence, Permit or Authorisation, which may or may not required a period of public consultation.

For example, if the land you are seeking support for a Grant Application 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 for which the Letter of Support is being provided. This enables Council to estimate future financial costs to Council and the Community in order to consider whether to support the Grant Application or not.

The doctrine of fixtures applies to anything erected on crown land, ie it will become 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 a Letter of Support require the Applicant to ultimately maintain/repair or insure the improvement if successful in their Grant Application, or otherwise seek reimbursement for any costs incurred by Council maintaining/repairing or insuring the item in accordance with the lease/licence/permit.

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.

Once the **Applicant has received advice that their grant has been successful they are then required to lodge a further application for [Use of Local Government Land or Roads](#) to apply to use the land or seek consent or variation of their existing lease, licence or permit.**

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

Have you included the following attachments:

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



Application for Letter of Support for Grant Application

Please complete Sections 1 – 7 and return with the requested 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

A Letter of Support is sought to:

(tick all that apply)

- ☐ Support a Grant Application for activity/works on Council managed land and/or road.
- ☐ Support a Grant Application for activity/works on both Council managed land and/or road and private land on KI.
- ☐ Support a Grant Application for activity/works on private land on KI.
- ☐ Support a Grant Application for activity/works NOT associated with any Council Land or Roads or private land on KI.

Section 2 – GRANT PROJECT DETAILS

Grant Project Name	
Description of Project	
Required Supporting Documentation	☐ Copy of Grant Application attached, ☐ Additional information incl. Quotations, Plans, photos attached

	☐ A4 Image/map/plans, with the site area of the works/activity location marked attached, including. a) The whole of the land parcel (identifying the parcel if more than one parcel shown) 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.
Will the works or activity result in something being erected on the land (ie creation or installation of an improvement/fixture)	☐ Yes ☐ No
Is it intended that the improvement is to remain in situ permanently or until otherwise replaced?	☐ Yes ☐ No, (IF NO, Date to be removed:

Section 3 - APPLICANT DETAILS	
Applicant/ Organisation Name	
ABN (if applicable)	
Contact Person (if applicant is a business or organisation)	
Address	
Postal Address (if different to above)	
Telephone No	
Email	

Section 4 - APPLICANT'S RELATIONSHIP TO THE LAND		
Does the Applicant currently own, hold a lease, license or permit over the whole or part of the land or road where the works/activity is to take place		☐ Yes ☐ No
IF YES,	Applicants' relationship with the land is OR	☐ Owner
	Applicants' relationship with the land is	☐ Leaseholder ☐ Licensee ☐ Permanent Seasonal Permit Holder

		☐ Seasonal Permit Holder (re-negotiated annually) ☐ Other
	Lease/Licence/Permit Number	
	Expiry / End Date	
	Clause number of lease/licence agreement /permit under which the permission to do the activity or undertake the works will be 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 - Allotment No - Plan - CT/CR No <i>Note</i> - 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	
Is the proposed the work/activity to be contained solely within the single land parcel <i>If NO, please provide evidence of neighbouring land owner consent.</i>	☐ Yes ☐ No
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	☐ Yes, (Copy of Data Sheet from Council Lands Management Plan relevant to the land(s) in question is attached to this application) ☐ No, there is no CLMP ☐ Not Sure ☐ Not Applicable – Private Land
Is the proposed works/activities consistent with the CLMP (or for private land - zoned land use)	☐ Yes ☐ No ☐ Not Sure

Section 6 –OWNERSHIP + ONGOING MAINTENANCE	
Is it intended for any Improvements to remain under the Applicant's ownership	☐ Yes ☐ No (IF NO, Identify owner:
IF YES, is this consistent with the existing lease/licence or is permission being sought under the lease/licence.	☐ Yes consistent ☐ No, not consistent - permission being sought ☐ No, no current lease, licence or agreement ☐ Not Applicable – Private Land
Maintenance/repair/ insurance of improvement	☐ Applicant ☐ Seeking Council or Crown to maintain/repair/insure. ☐ Other:

Section 7 – APPLICANT'S STATEMENT	
I/we acknowledge and declare that the particulars provided by me/us with regard to request for a Letter from Council to support our Grant Application are true and correct and that the person signing this Application on behalf of the Applicant warrants that he/she has the authority to do so.	
Signature	
Full Name	
Relationship to Applicant if not the Applicant (eg Association Secretary)	
Date	