

Land Division Primary Production Zone

Why Assess?

The division of land constitutes development pursuant to the Development Act 1993 and therefore must be approved under this Act before it can occur.

All new development on Kangaroo Island must be regulated in order to promote sustainable development and to protect the Island's unique characteristics. To this end, the Kangaroo Island Development Plan established a series of relevant provisions to guide development on the Island.

The Development Plan established a raft of provisions contained as either Objectives or Principles of Development Control (PDC)

The objectives set out the economic, environmental and social conditions desired to be achieved, established or maintained. The PDC include detailed matters relevant to the control of development.

Policies are expressed firstly in relation to the whole Council area, and then in more detail for the zone. An application for development must be assessed against the objectives and PDC for the whole of the Council area as well as the specific zone in which development falls.

Land Divisions – Council wide

The Council wide provisions relevant in the assessment of land division applications relate to:-

- Orderly and economic development
- Division appropriate for intended use
- Physical nature of the land
- Access, servicing & infrastructure

- Safety & stability of land i.e. bush fire, flooding, erosion etc
- Integration with adjoining land
- Environment eg. native vegetation, water courses etc

Land Divisions – Primary Production

The Primary Production Zone provisions relate to:-

- A zone primarily for agricultural, horticultural, forestry and pastoral activities
- Rural landscape and amenity is enhanced
- Land predominantly held in large parcels
- Smaller parcels created to accommodate more intensive economic rural related activities suited to the zone
- Tourist accommodation may be appropriate which is secondary to the primary intent of the zone. Land division should not excise tourist accommodation on allotments below 40ha or where they cannot support farming activities.
- Minimum allotment size should be relative to the production capacity of the land to ensure ongoing farming uses. 40 hectares is the non-complying trigger.
- Dwellings should only be erected where they are associated with general farming activities

Current Issues

Many recent and current applications propose allotments that are unsuitable or unworkable for the following reasons:

- Do not promote the primary intent of the zone for general farming purposes
- Cannot support viable general farming activities
- Seek to create long, narrow inefficient and disorderly access arrangements

- Fragment farming allotments
- Increases potential bushfire risk
- Result in removal of native vegetation

Assessment of Applications

Meeting the prescribed minimum allotment size area is one of many provisions that must be taken into consideration and satisfying this one provision does not by any means guarantee approval. Other matters for assessment are:-

- Future use of land (should be primary production)
- Topography
- Accessibility to the site
- Protection of native vegetation
- Bush fire risk
- Impacts on adjacent land
- Orderly development

What is required to lodge an Application?

An application for land division must be lodged with the Development Assessment Commission and must be in the form prescribed by the Development Regulations comprising the following:

- Completed Application Form;
- Plan of Land Division (plus 9 copies);
- Application fees;
- Two copies of the Certificate(s) of Title;
- Supporting documentation

Supporting documentation should address:

- Why the land division should be supported having regard to the long-term intentions for the use of the land in question and the reason and intent behind the subject land division.
- Access requirements to a public road

- Potential clearance of Native Vegetation
- In the case of a division of land in the Primary Production Zone where the allotment(s) proposed involve the creation of cleared land holdings of less than Approx 40 hectares (100 acres) then a land capability analysis or similar may be required.

Plan of Division

The plan of land division required for Planning Approval must be drawn to a reasonable drafting standard and in the format prescribed by Schedule 5 of the Development Regulations 2008. Any structures like buildings, fences, power lines and any relevant topographical features (creeks, native vegetation, quarries etc) are required to be depicted on the plan.

Plans creating more than 5 allotments must be vouched for (regarding accuracy of details) by a licensed surveyor.

The Assessment Process

Once an application is lodged with the Development Assessment Commission it is receipted and given a development number which should be quoted whenever an enquiry is made about the application. The application is forwarded to the local council and to any government agencies which may need to be consulted e.g. SA Water, Commissioner of Highways and Native Vegetation Council etc.

The extent of the consultation process depends on the location, nature and magnitude of the proposal and these agencies have 28 days (or in some instances longer) to provide comment to the Development Assessment Commission.

When the Council is the relevant decision-making authority for an application, the

Development Assessment Commission is required to provide the council with a report (within two months of the application being lodged) incorporating its land division requirements for inclusion in the Development Approval.

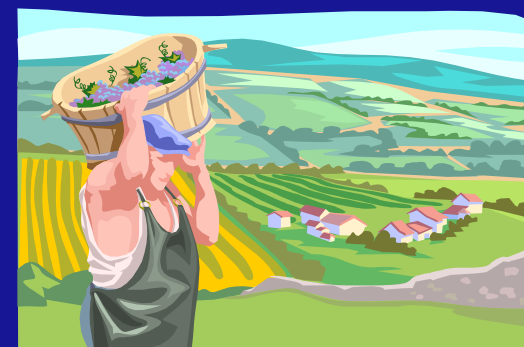
It should be noted; taking into consideration consultation with other agencies and the Development Assessment Commission, any decisions of Council regarding the land division application will be in the order of approximately 12 weeks from the date of lodgment.

NOTE: Land parcels held in crown lease or war service perpetual lease must first be free hold, or an application made to free hold with the State Crown Lands Department, Land Administration Branch.



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Information Guide Planning

