

## Evidence of resource entitlement

This fact sheet explains how to apply for evidence of resource entitlement for some state land, and how the Department of Environment and Resource Management (DERM) assesses applications.

### What is evidence of resource entitlement?

Under the *Integrated Planning Act 1997* (IPA), landowners are required to obtain evidence of resource entitlement from DERM when submitting development applications for some state land.

If this evidence does not support the development application, the application will not be properly made for the purposes of the IPA.

Development under the IPA includes reconfiguration of a lot. However, reconfiguration of a lot held under a *Land Act 1994* tenure is not assessed under the provisions of the IPA e.g. subdivision of a lease, including a freehold lease, issue of trustee lease of a reserve, you will need to make the relevant application to deal with the land under the Land Act.

However, for a deed of grant in trust in some circumstances e.g. a trustee lease with a term of more than 10 years, a development application under IPA will also be required.

### When do I need to apply?

As listed in Schedule 10 of the Integrated Planning Regulation 1998 (the regulation), evidence of resource entitlement for state land is needed from DERM for:

- land subject to a lease, including a freehold lease or a reserve or deed of grant in trust—where DERM administers the land on behalf of the state as the lessee or trustee of the land (item one)
- land subject to a lease, including a freehold lease, or a reserve or deed of grant in trust where the lessee or trustee is not or does not represent the state (item two)
- strategic port land under the *Transport Infrastructure Act 1994*, other than freehold land (item three)
- land subject to a permit to occupy or license under the *Land Act 1994* (item four)
- land subject to an estate in fee simple (freehold) where DERM administers the freehold on behalf of the state (item five)
- land that is unallocated state land (item six)

- land that is a road (other than a state-controlled road) or stock route (item eight).

The above items specially exclude some state resources e.g. item 17 (quarry material taken under the *Forestry Act 1959*) is excluded from items one, two, four, five, six and eight.

Schedule 10 of the regulation sets out in full when evidence of resource entitlement is required. The regulation is available at <[www.legislation.qld.gov.au](http://www.legislation.qld.gov.au)>.

If evidence of resource entitlement is needed for a development application for a state resource excluded from one of the items or any other state resource listed in the schedule, you will need to contact the relevant Queensland Government department.

Also, if the proposed development is for a structure (i.e. a jetty, pontoon or boat ramp) for residential use adjoining private land outside of a canal, and not within a declared fish habitat area, DERM gives evidence of resource entitlement.

No evidence of resource entitlement is required for development applications within a canal as defined under the *Coastal Protection and Management Act 1995*.

If your application is partly or wholly within a declared fish habitat area under the *Fisheries Act 1994*, you will need to contact Queensland Primary Industries and Fisheries in the first instance.

An applicant for minor works on a local road can use the DERM general authority that is located on the DERM website at <[www.derm.qld.gov.au](http://www.derm.qld.gov.au)>.

If the general authority is appropriate, you will not need to make an application to DERM.

### Applications

An application for evidence of resource entitlement involving state land is required to be made to DERM only by, or on behalf of the person who:

- holds or will hold the appropriate tenure or interest e.g. leaseholder, sublessee, trustee of trust land, trustee lessee, grantee of an easement
- will occupy the land, if no tenure is required.

Consideration to providing evidence of resource entitlement will only be given where the:

- applicant holds a tenure or interest in state land that supports the proposed development
- applicant has accepted an offer for a tenure or interest in state land that supports the proposed development

- proposed development does not require tenure or an interest in state land e.g. a tidal work for public purposes such as a power line, public boat ramp.

## What DERM considers

Applications will be assessed against requirements under the *Land Act 1994*. When considering an application, DERM will also:

- use relevant departmental policies, procedures and guidelines
- seek the views of relevant stakeholders e.g. other Queensland Government agencies and local government authorities.

## How to apply

To apply for resource entitlement, you must submit:

- the evidence of resource entitlement application form, with parts A and B completed
- the prescribed application fee
- the original Form 1—Development application (IDAS), with all necessary parts or attachments included
- if acting on a person's behalf, a letter from the person of interest advising that you are acting on behalf of them
- a letter from the leaseholder or trustee, if the development application relates to a secondary interest in the land, e.g. sublease, trustee lease.

Though you can submit an application at any DERM office, it is preferable to do so at the office nearest to which the land is located, as staff can also advise you of the correct application fee.

Form 1—Development application (IDAS) is available on the Department of Infrastructure and Planning (Local Government), <[www.dip.qld.gov.au](http://www.dip.qld.gov.au)>.

See the DERM website at <[www.derm.qld.gov.au](http://www.derm.qld.gov.au)> for a list of departmental offices and application fees.

If all parts of the form are not filled out accurately, it may be returned to you for completion which will delay the process.

It is advisable that you discuss your application with DERM staff before lodgement should you have any queries.

## Notice of the decision

When all issues have been investigated, DERM will give applicants written notice of the decision at item 10 on Form 1—Development application (Part A). A supporting letter may also be provided.

## Further information

For more information on resource entitlement contact your nearest departmental business centre.

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For general enquiries contact the  
Queensland Government call centre 13 13 04  
or visit [www.derm.qld.gov.au](http://www.derm.qld.gov.au)