

# DEPARTMENT OF ENVIRONMENT AND RESOURCE MANAGEMENT

## Application for evidence of resource entitlement

### Part B

#### Application form requirements

1. This application is for evidence of resource entitlement.
2. Read the *Application for evidence of resource entitlement* fact sheet that includes application restrictions.
3. Payment of the prescribed application fee, if relevant.  
(Details of fees are available on the Department of Environment and Resource Management (DERM) website or from a regional DERM office)
4. Any additional information to support the application.
5. **Part A:** Contact and details of land will need to be completed and submitted with your application.
6. If all parts of the application form are not filled out correctly, it may be returned to you to complete.

#### Important information

Section 3.2.1 of the *Integrated Planning Act 1997* (IPA) and Schedule 10 of the *Integrated Planning Regulation 1998* requires the Chief Executive of Department of Environment and Resource Management (DERM) to provide evidence of resource entitlement to a development application relating to some state land.

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

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

Consideration to providing evidence of resource entitlement to a development application will only be given by DERM 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 interest in state land e.g. a tidal work for public purposes such as a power line, public boat ramp.

It is a mandatory requirement of the IPA that development applications be lodged on Form 1: Development Application (IDAS), with all necessary parts or attachments included.

Development under the IPA includes reconfiguration of a lot. 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 freeholding lease, issue of a 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 eg. for a trustee lease with a term of more than 10 years, a development application under IPA will also be required.

Information on this form, and any attachments, is being collected to process and assess your application under the *Land Act 1994*. The consideration of your application may involve consultation and if so details of your application may be disclosed to third parties. They will not be otherwise disclosed outside the department unless required or authorised by law.

1. Is the development application for reconfiguration of a lot held under *Land Act 1994* tenure?

Yes

No

go to 2

An application can not be considered

Reconfiguration of land administered under the *Land Act 1994* e.g. subdivision of a lease, including a freeholding lease, issue of a trustee lease of a reserve, is not assessed under the provisions of the IPA - 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 eg. for a trustee lease with a term of more than 10 years, a development application under IPA will also be required.

2. Is your development for tidal works for a structure e.g. a jetty, pontoon or boat ramp for residential use adjoining private land outside of a canal and not within a declared fish habitat area?

Yes

No

go to 3

An application must be lodged with EPA

If the proposed development is for a structure such as a jetty, pontoon or boat ramp for residential use adjoining private land outside of a canal, the Environmental Protection Agency gives evidence of resource entitlement on behalf of DERM. 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 for tidal works partly or wholly within a declared fish habitat area under the *Fisheries Act 1994*, you will need to contact the Department Employment, Economic Development and Innovation, Queensland Primary Industries and Fisheries in the first instance.

DERM has issued a general authority—evidence of resource entitlement for minor works on a road under the control of local government e.g. for advertising signs, including, but not limited to, identi-lights and signs on public structures such as bus shelters and telephone boxes, excluding freestanding (fixed) signs, or a shop/building awning, providing the public with protection from the elements.

The general authority is available on the DERM website at [www.derm.qld.gov.au](http://www.derm.qld.gov.au).

3. Is this application for minor works to which the general authority applies?

Yes

No

go to 4

Refer to information below

DERM general authority—evidence of resource entitlement for roads may be used as evidence of resource entitlement for the relevant item of Form 1 Part A of the IPA development applications and an application to DERM for resource entitlement is not required.

4. Evidence of resource entitlement is required to be given by DERM for land listed below. Please refer to schedule 10 of the Integrated Planning Regulation 1998 for a full list of state resources.

The following items in schedule 10 specially exclude some state resources e.g. item 17 (quarry material taken under the *Forestry Act 1959*) is excluded from items one, two, four, six and eight.

If you require evidence of resource entitlement for a development application for any state resource specially excluded from the following items, or any of the other state resources listed in schedule 10, you will need to contact the relevant Queensland Government department listed in the column headed 'Department administering resource' of the schedule.

**Please select the following if applicable to your development application:**

- a lease (including a freeholding lease) reserve or deed of grant in trust under the *Land Act 1994* where DERM acts on behalf of the state as the lessee or trustee of the land (item one schedule 10) **go to 5**
- a lease under the *Land Act 1994* (including a freeholding lease) reserve or deed of grant in trust if the lessee or trustee is not or does not represent the state (item two schedule 10) **go to 5**
- strategic port land under the *Transport Infrastructure Act 1994*, other than freehold land (item three, schedule 10) **go to 5**
- a permit to occupy or licence under the *Land Act 1994* (item four, schedule 10) **go to 5**
- land held in fee simple by the state where DERM administers the freehold on behalf of the state (item five, schedule 10) **go to 5**
- unallocated state land under the *Land Act 1994* including land below high water mark (item six, schedule 10)—other than as outlined in question two of this application form **go to 5**
- a road (other than a state-controlled road) or stock route (item eight, schedule 10)—other than as outlined in question three of this application form **go to 5**
- none of the above—refer to schedule 10 for the department administering the resource—an application can not be considered by DERM.

5. Is the applicant the holder of a tenure or a secondary interest in the state land e.g. lessee or sublessee of a *Land Act 1994* lease, trustee of a reserve or deed of grant in trust, grantee of an easement?  Yes **go to 9**  No **go to 6**

6. Has an application for appropriate tenure been made?  Yes **go to 7**  No

An application can not be considered—refer below

Evidence of resource entitlement where tenure is required for the development may not be given unless DERM has made an offer and you have accepted that offer. If you have already applied for an appropriate tenure, you will need to wait until you have received an offer from DERM. If you have not already applied for tenure, you will need to do so.

In limited situations, tenure may not be required particularly for public tidal works, and you may wish to discuss your application with DERM before applying for tenure.

7. Provide details of the application for appropriate tenure, including DERM reference. **go to 8**

(If there is insufficient space, please lodge as an attachment)


8. Has DERM made an offer that has been accepted?

Yes

**go to 9**

No

An application cannot be considered

If you have already applied but are awaiting an offer, or have been made an offer and have not yet accepted, consideration to providing evidence of resource entitlement will be made when the appropriate tenure requirements are in place.

9. Provide details of any additional information to support the application. (optional) **go to 10**

(If there is insufficient space, please lodge as an attachment)


## Attachments

The following will need to be lodged with your application for it to be considered. If this information is not submitted, your application will be returned.

10. Tick the box to confirm the attachments for part of the application.

Application fee

Original development application Form 1—Development Application (IDAS) and other relevant part/s including sketches/plans of existing and proposed improvements

Details of application for tenure or road closure (if relevant) e.g. department reference

If the applicant is acting on behalf of a person that holds or will hold the tenure, or if no tenure is required, the person who will be occupying the state land, a letter from that person advising you are acting for and on behalf of them is required.

If the development application relates to a secondary interest in the state land e.g. sublease, trustee lease etc., a letter from the lessee, trustee etc. as relevant that they support the application will also be required.

It is recommended that any attached plans, sketches or maps be of A4 or A3 size. Your application will not be considered, unless all parts of this application form are completed accurately. In this instance your application may be returned to you for completion.

## Declaration

I certify that I have read the information which forms part of this application and the information I have provided is true and accurate.

Signature of applicant (or their legal representative)


Date:                    /                    /

If the legal representative of the applicant is signing as the applicant then the legal representative's full name must be printed immediately below the signature.