



## Part B – Form LA08

# Owners Consent to Development Application

## *Land Act 1994*

### Requirements

1. This application is for owners consent to a development application.
2. Please read the respective [owner's consent for a development application guide](#), which includes application restrictions.
3. **Part A online form:** [Contact and land details](#) or Part A - [Part A L00 Contact and land Details](#) (PDF) must be completed and submitted with your application.
4. This application does not require payment of an application fee.
5. Any additional information to support the application.
6. For your application to be processed, all parts of this application form must be completed and accurately, otherwise your application may be returned to you to complete or refused.

### Important information

7. You are **strongly encouraged** to arrange a pre-lodgement meeting with us before you apply to ensure you have the information you need to apply correctly. You can do this by contacting your nearest business centre.
8. You must obtain owner's consent from the Department of Resources when submitting a development application for some state land tenures.
9. Where owners consent is required for specific state land, the application is to be made 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 Department of Resources, the person who will occupy the land.
10. The Department of Resources will only consider providing owner's consent if 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;
  - applicant has made a previous application for owner's consent which was refused, but there has been a change in circumstances;
  - 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; or
  - proposed development is for removal of quarry material from a watercourse or lake.
11. Development applications are lodged on [DA Form 1](#) <<https://planning.dsdmip.qld.gov.au/planning/better-development/application-forms-and-templates>> or if in a Priority Development Area a [PDA development application form](#) <<https://www.statedevelopment.qld.gov.au/economic-development-qld/forms-guidelines-practice-notes>> with all other necessary forms or attachments included. These forms are available on the [Department of State Development and Infrastructure, Local Government and Planning](#) website at <<https://www.statedevelopment.qld.gov.au/>> (and select 'Planning') or by calling 13 QGOV (13 74 68).

12. Development under the [Planning Act 2016](#) includes reconfiguration of a lot. Reconfiguration of a lot held under a [Land Act 1994](#) tenure is not assessed under the provisions of the *Planning Act 2016* 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 1994*. However, an exception is for a deed of grant in trust in some circumstances e.g. for a trustee lease with a term of more than 10 years, a development application under the *Planning Act 2016* may also be required.
13. Information on this form, and any attachments, is being collected to process and assess your application under section 275V of the [Planning Act 2016](#) or section 82 of the [Economic Development Act 2012](#). If required, we may need to consult with third parties such as relevant local or state agencies and adjoining property owners. Details provided to third parties will generally be limited to type of application, area applied for and intended use. Your personal information will not otherwise be disclosed unless authorised or required by law.
14. Please note that we may wish to contact you to seek your views on our service, to advise you of any legislative changes that might affect you or to seek your participation in surveys or programs relevant to your application type. Any participation will be voluntary and you may email [stateland@resources.qld.gov.au](mailto:stateland@resources.qld.gov.au) if you do not wish for the department to contact you.
15. The department may also compile or analyse statistics and conduct research. Any publication of findings will not involve the publication of identifying personal information.
16. For further privacy information click [Privacy](#) or go to <[www.resources.qld.gov.au/home/legal/privacy](http://www.resources.qld.gov.au/home/legal/privacy)>.

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

Yes

**Application cannot be considered**

No

**go to 2**

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 [Planning Act 2016](#) - you will need to make the relevant application to deal with the land under the *Land Act 1994*. However, for a deed of grant in trust in some circumstances e.g. for a trustee lease with a term of more than 10 years, a development application under *Planning Act 2016* may also be required.

2. Is your development application 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

**Your application may qualify for FastTrack5 or otherwise must be lodged with the Department of Environment and Science**

No

**go to 3**

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 your application may qualify for [FastTrack5](#) at <https://planning.statedevelopment.qld.gov.au/planning-framework/state-assessment-and-referral-agency/state-development-assessment-provisions-sdap>, or otherwise, the Environmental business unit of [Department of Environment and Science](#) <<https://www.des.qld.gov.au/>> gives owners consent. No owners consent is required for development applications for tidal works 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](#), contact the [Department of Agriculture and Fisheries](#) <<https://www.daf.qld.gov.au/business-priorities/fisheries/habitats>>.

3. Is this application for a material change of use on state land for quarry material administered under the [Forestry Act 1959](#)?

Yes

**go to 4 (see note below)**

No

**go to 4**

You will need to contact Forest Products within [Department of Agriculture and Fisheries](#) or you can call **13 25 23**.

4. Owners consent is required to be given by Department of Resources for a Material Change of Use or works on premises that are below high-water mark and are outside a canal over land listed below.

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

a lease (including a freeholding lease), a reserve or deed of grant in trust under the [Land Act 1994](#) held by Department of Resources on behalf of the state as the lessee or trustee of the land.

a lease under the *Land Act 1994* (including a freeholding lease), a reserve if the lessee or trustee is not or does not represent the state.

strategic port land under the [Transport Infrastructure Act 1994](#), other than freehold land.

a permit to occupy or licence under the *Land Act 1994*.

land that is in fee simple (freehold) held by the Department of Resources on behalf of the state.

unallocated state land under the *Land Act 1994* including land below high water mark – other than as outlined in question two of this application form.

a non-tidal boundary watercourse or land under the [Water Act 2000](#).

a road (other than a state controlled road) or stock route

**go to 5**

5. Is the application for a development permit to remove quarry materials from a non-tidal watercourse or lake?

Yes

go to 10

No

go to 6

6. 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 10

No

go to 7

7. Has an application for appropriate tenure been made?

Yes

go to 8

No

**Application cannot be considered**

Owners consent where tenure is required for the development may not be given unless Department of Resources 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 the department. If you have not already applied for tenure, you will need to do so.

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

8. Provide details of the application for appropriate tenure, including Department of Resources reference. **Go to 9**  
(If there is insufficient space, please lodge as an attachment)


9. Has Department of Resources made an offer that has been accepted?

Yes

go to 10

No

**Application cannot be considered**

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

**10. Have you made a previous application for owners consent?**

Yes

**go to 11**

No

**go to 13**

**11. Was the application refused?**

Yes

**go to 12**

No

**go to 13**

**12. Has there been any change in circumstances from the previous application, which may lead to this application being accepted for further consideration?**

Yes

**go to 13**

No

**go to 14**

**13. Provide details of any additional information to support the application**

**go to 14**

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


## Attachments

The following must be lodged with your application for it to be processed. If all this information is not submitted, your application will be returned or refused.

14. Tick the box to confirm the attachments for part of the application:

- Part A online form – Contact and Land details or Part A – Contact and Land details (PDF)
- Copy of the relevant development application and all other necessary forms being –
- original development application form e.g. DA form 1, PDA development application form (does not apply to Code of Accepted development application)
  - sketches/plans of existing and proposed improvements proposed to be lodged with the assessment manager.

**Note:** the department does not generally require the full development application, such as engineer drawings, but will require as much of the development application and plans that clearly shows the proposed development

- Evidence of pre-lodgement discussions with the department, if applicable.
- If the applicant is acting on behalf of a person that holds or will hold the tenure, written advice from that person advising you are acting for and on behalf of them, if applicable,
- If the applicant is acting on behalf of the person who will be occupying the state land (if no tenure is required) written advice from that person advising you are acting for and on behalf of them, if applicable.
- If the development application relates to a secondary interest in the state land e.g. sublease, trustee, lease etc., written advice from the lessee, trustee etc. (as relevant) that they support the application, if applicable.

It is recommended that any attached plans, sketches or maps be of A4 or A3-size. For your application to be processed, all parts of this application form must be completed accurately. Otherwise, your application may be returned to you to complete or refused.

## 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 practitioner)

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Date:            /        /

If applicant, section 142 of the [Land Act 1994](#) states a person is eligible to apply for, buy or hold land under the *Land Act 1994* if the person is an adult, that is, 18 years of age or over. If the legal practitioner of the applicant is signing as the applicant then the legal practitioner's full name must be printed immediately below the signature.