



Part B – Form LA08

Owners Consent for a Development Application

Land Act 1994

Requirements

1. Use this application form to apply for owners consent for a development application.
2. Please read the respective [owner's consent for a development application guide](#), which includes application restrictions. The content on this page may help you decide if this application form applies to you and your needs. It will also help guide you through the application process.
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. For detailed information and to ensure you complete the correct application form, we encourage you to arrange a pre-lodgement meeting and refer to the [Land Act 1994](#). Contact your nearest [business centre](#) to arrange a meeting.
8. You must obtain owner's consent from the Department of Natural Resources and Mines, Manufacturing and Regional and Rural Development (the department) 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 tenure or interest e.g. lessee, sublessee, trustee of trust land, trustee lessee, grantee of an easement; or
 - if no tenure is required by the department, the person who will occupy the land.
10. The department 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://www.planning.qld.gov.au/planning-framework/development-assessment/development-assessment-process/forms-and-templates>>; or if in a Priority Development Area a [PDA development application form](#) <<https://www.edq.qld.gov.au/our-approach/land-use-planning-and-infrastructure/development-applications-and-assessment/planning-and-infrastructure>>

[forms-and-guidelines](#)> with all other necessary forms or attachments included. These forms are available on the respective websites 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.

Information and Data collection

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@nrmrdd.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 <<https://www.nrmrdd.qld.gov.au/legal/privacy>>.

1. 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, Tourism, Science and Innovation

☐

No

go to 2

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](https://www.planning.qld.gov.au/planning-framework/state-assessment-and-referral-agency/state-development-assessment-provisions-sdap) at <https://www.planning.qld.gov.au/planning-framework/state-assessment-and-referral-agency/state-development-assessment-provisions-sdap>, or otherwise, the Environmental business unit of the [Department of Environment, Tourism, Science and Innovation](https://www.desi.qld.gov.au/) <<https://www.desi.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 Primary Industries](#) <<https://www.daf.qld.gov.au/business-priorities/fisheries/manage/habitat>>.

2. Owners consent is required to be given by the department 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 which of the following are 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 the department on behalf of the State as the lessee or trustee of the land.

☐

a lease under the *Land Act 1994* (including a freeholding lease), where the lessee is not or does not represent the State.

☐

a reserve where the trustee is not or does not represent the State, local government or other statutory body within the meaning of the *Land Act 1994*

☐

a State lease of all or part of a reserve under the *Land Act 1994*

☐

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

☐

a permit to occupy (including if over a reserve) or licence under the *Land Act 1994*.

☐

land that is in fee simple (freehold) held by the department 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 one 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

☐

development permit to remove quarry materials from a non-tidal water course or lake.

☐

material change of use of state land for quarry material administered under the *Forestry Act 1995*. (You will also need to contact Forest Products within [Department of Primary Industries](#) to discuss their requirements or you can call 13 25 23.

go to 3

3. Is the applicant the holder of a tenure or has a secondary interest in the state land e.g. sublessee of a lease, trustee lessee of a reserve or deed of grant in trust, grantee of an easement OR has an application for tenure been submitted OR an offer for tenure been made to the applicant ?

☐

Yes

go to 4

☐

No

go to 5

4. Provide details of the application/offer for tenure (including departmental reference), type of secondary interest, tenure held.	go to 5

5. Is this application for prescribed tidal works e.g. revetment wall?	go to 6
☐ Yes	go to 6 (see note below)
☐ No	go to 7
Proposed works such as a revetment wall, must be constructed within the current property boundary. For a proposed tidal work, such as a revetment wall, you will need to provide a survey such as an identification survey showing your current property boundary (information extracted from Queensland Globe is insufficient)	

6. Are there any related existing tidal works?	
☐ Yes	go to 7 (see note below)
☐ No	go to 7
Submit copy of a valid approval/s for any existing related tidal works.	

7. Have you made a previous application for owners consent?	
☐ Yes	go to 8
☐ No	go to 10

8. Was the application refused?	
☐ Yes	go to 9
☐ No	go to 9

9. Has there been any change in circumstances from the previous application?	
☐ Yes	go to 10
☐ No	go to 10

10. Provide details of any additional information to support the application
(If there is insufficient space, please lodge as an attachment)

go to 11

[illegible]

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.

11. 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 original development application form and all other necessary forms being –
- DA form 1, PDA development application form
(does not apply to Code of Accepted development application)
 - all attachments being lodged with the development application, including sketches/plans of existing and proposed improvements .
- ☐ 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.
- ☐ For a development application relating to a proposed tidal work, provide a survey, such as an identification Survey, showing the current property boundary and the proposed tidal works (information extracted from Queensland Globe is not sufficient)
- ☐ Copy of a valid approval for any related existing tidal works, 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)

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