

## GUIDE TO USING THE IDAS DEVELOPMENT APPLICATION FORMS

## Guide 1

# Making an IDAS development application

This guide has been prepared to assist applicants complete the IDAS development application forms.

There is a suite of standard forms for making applications and amending approvals under the Integrated Development Assessment System - IDAS.

This suite of IDAS application forms consists of –

- Form 1: Development Application Form; and
- Form 2: Request to change or modify an existing approval.

These forms are standardised for IDAS applications across the State regardless of the nature or location of the proposed development, and are designed to increase the efficiency in making development applications.

Print version copies of the forms are generally available from local governments, private building certifiers and IDAS State agencies. Alternatively, Smart electronic Development Assessment (Smart eDA) eform versions and print versions are available from the [IPA website](http://www.ipa.qld.gov.au) at [www.ipa.qld.gov.au](http://www.ipa.qld.gov.au). The eform versions are designed to be completed on line, printed and lodged with the assessment manager, while the print version forms must be printed and manually completed and lodged with the assessment manager.

## Form 1 Development Application

Form 1 has a modular structure enabling applicants to tailor the form according to the nature of their proposal. Only parts of the form relevant to a particular application need to be completed and lodged by the applicant.

There are four (4) steps when tailoring Form 1 to a particular development application –

- Step 1 -** Complete **Part A** containing the common details that must be provided for all applications. One (1) or more other parts will always accompany Part A;
- Step 2 -** Complete the **IDAS Assessment Checklist**. The checklist is mandatory for all development applications other than those involving Part A and B of the form only.

This checklist will assist in determining if an application triggers referral to an IDAS referral agency, and what other parts of Form 1 must be completed. The IDAS

Assessment Checklist must be attached to an application involving any part of the form, other than applications requiring completion of Parts A and B only;

- Step 3 -** Complete the **remaining parts** of the form that apply to the application; and
- Step 4 -** Determine if **Attachment 1** (*Development application – superseded planning scheme*) or **Attachment 2** (*Preliminary approval under s3.1.6*) needs to be filled out. These attachments can only apply if the application involves assessment against a local government’s planning scheme.

For a very simple application, an applicant may only be required to complete two (2) parts of the form. For example an application seeking approval for a new carport requiring assessment of structural elements, an applicant would need to complete parts A and B of Form 1.

For a more complex application, an applicant may need to complete three (3) or more parts of the form, including the IDAS Assessment Checklist.

For example, in the case of an integrated application seeking approval to subdivide land and use the new lots for residential and shopping facilities, an applicant would need to complete parts A, D and F and the IDAS Assessment Checklist.

## Completing Part A of Form 1

Part A contains the common details that must be provided for all IDAS development applications. One (1) or more other parts of the form will always accompany Part A.

**Identification of the premises the subject of the application -** The description must identify all land the subject of the application. This land may be above high water or in water.

In most instances, reference to the lot and plan details for a parcel of land is the most effective way of providing an accurate description of the premises the subject of the application. These details may be obtained from title documents or through the local government.

If lots have not been registered in the Registrar of Titles, but the local government has endorsed a survey plan, include the existing and proposed lot and plan details in the description of the premises.

If the application is over premises that is dedicated as road or land without a lot and plan number (e.g. beds and banks of a water course or land below the high water mark) the applicant should identify the premises by coordinates on a location plan, including the names of any roads, water bodies or water courses and the lot and plan details of the adjoining land, if applicable.

The location plan should also identify any land or easements over which access is to be obtained.

**Existing use of the premises** - Describe the existing use of premises the subject of the application on a location plan, showing the nature and location of all existing uses, buildings, structures, easements and services.

**The consent of the owner** - The property owner(s) must provide written consent to the making of the application, if the application is for:

- a material change of use of premises; or
- a reconfiguration of a lot; or
- work on land below high-water mark and outside a canal; or
- work on rail corridor land.

The term “owner” in the context of the owner of the land the subject of the application, is defined in the *Integrated Planning Act 1997* (IPA) to mean – “*the person for the time being entitled to receive the rent for the land or would be entitled to receive the rent for it if it were let to a tenant at a rent*”.

Owner’s consent must be provided even if the applicant is also the property owner.

The owner’s consent must be provided in writing to the assessment manager. Part A sets out the ways that the owner’s consent can be given to the assessment manager. The owner’s consent must clearly identify that consent is given to the lodging of the development application and include reference to the premises to which the application applies and the nature of the application.

If there are multiple owners, the consent of each owner is required.

If the owner of the land is a company, the consent of the company to the lodging of the application is required. Section 126 of the *Corporation Act 2001* (the Corporations Act), states that a company’s power to make, ratify or discharge a contract may be executed by an individual acting with the company’s express or implied authority and on behalf of the company. This power may be exercised without using a common seal. The Corporations Act goes on to state that this provision does not effect the operation of a law that requires a particular procedure to be complied with in relation to the contract.

Section 127 of the Corporations Act states –

- a company may execute a document without using a common seal if the document is signed by -
  - two (2) directors of the company or a director and a company secretary; or
  - for a proprietary company that has a sole director who is also the sole company secretary - that director;

OR

- a company with a company seal may execute a document if the seal is fixed to the document and the fixing of the seal is witnessed by –
  - two (2) directors of the company or a director and a company secretary; or
  - for a proprietary company that has a sole director who is also the sole company secretary - that director.

Section 129 of the Corporations Act further states that a person may assume that the company’s constitution (if any), and any provisions of the Corporations Act that apply to the company have been complied with.

If the land is leased, the lessor must provide owner’s consent.

If the land is dedicated parkland, the owner or trustee within the terms of the trust or reserve must provide owner’s consent.

**State resources** – if a development involves a State resource prescribed under a regulation, the *Integrated Planning Regulation 1998* (IP Regulation) may require the application to be supported by evidence of resource entitlement from one or more Departments.

If evidence of resource entitlement is required and is not provided with the application, the assessment manager and any concurrence agencies may refuse to receive it as it is not a properly made application.

The types of State resources that are prescribed and the nature of evidence that is required can be determined by completing Question 10 of the Part A eform. Applicants completing the Part A print version need to refer to the [IP Regulation](#), Schedule 10 – State Resources, to determine what type of evidence is required and in what form it should appear.

The Department administering the resource should be contacted for any required evidence prior to the application being lodged. Under s 3.2.1(5) of the IPA, without this information the application cannot be accepted as properly made.

Section 3.2.1(5A) of the IPA allows that evidence provided by a resource manager may be time limited. If this is the case, the evidence may not be used to support a development application after the expiry date.

**Applications involving easements** – If the proposed development site includes an easement, the consent of the owner of the burdened lot (servient tenement) is

not required, provided that the development is consistent with the terms of the easement.

*(Note: The land that has the easement registered on it is the burdened lot. The land advantaged by the easement is the benefited lot (dominant tenement)).*

**Applicant's signature** – As the application form is designed for eventual electronic lodgement, an applicant's signature is not necessary, nor is it a requirement under the IPA

### Specific requirements for applications assessed against the *Building Act 1975*

Part A and the relevant questions on Part B need to be completed for applications involving assessment against the *Building Act 1975* (herein referred to as the Building Act) only.

**Plans and documentation** - Applications involving assessment against the Building Act must be accompanied by supporting plans and documentation as prescribed in the *Building Regulation 2006*. The standard and content of these documents must comply with the *Guidelines for Building Work* documentation.

**Private certifiers' fees** - When lodging an application with a private certifier you may not need to pay the fee at the time of lodgement. Contact the private certifier regarding payment of fees.

**Portable Long Service Leave Levy** - Proof of payment of, or exemption from the Portable Long Service Levy **must** be provided at Question 13 on Part A before the assessment manager can grant a Development Permit.

It is preferable that the proof is provided at the time the application is lodged with the assessment manager.

**BSA Insurance** - An approval for residential construction work cannot be issued until the building certifier has sighted evidence of Building Services Authority (BSA) insurance or owner/builder approval.

### Type of approvals that may be applied for

When applying for development approval, the applicant may seek either a preliminary approval or a development permit with respect to each aspect of assessable development. However, the assessment manager or Concurrence Agency decides what type of approval is issued.

A **preliminary approval** is a binding approval that approves the development but does not authorise works to commence or the use to start. A preliminary approval is an option and may be used to assist in staging developments.

A **development permit** is a final approval, authorising works to commence or the use to start. A development permit is necessary for each assessable aspect of development applicable to a particular proposal.

### Lodging an application

The form, together with all other supporting information, must be lodged with the assessment manager. In the majority of cases the assessment manager will be the local government for the area in which the development proposal is located.

If the application involves assessment against the Building Act only, the applicant may choose to lodge the application with the local government or a private building certifier.

If the application requires assessment by a State agency only, the agency is the assessment manager. In this case, the application should be lodged directly with the State agency.

Relevant application fees will apply and applicants should contact their local government or the relevant State agency to determine the application fee payable.

### Prelodgement advice

Many local governments, State agencies and private certifiers provide a prelodgement service that enables an applicant to discuss a proposal with them prior to lodging the development application.

The idea of seeking prelodgement advice is to help identify issues relevant to the proposal or site location, and to identify the strategic objectives for the development of the area. It should not be used to seek determination of the application (i.e. advise if the application will be approved/refused or a relaxation of a development standard granted).

It is also possible (and recommended) to discuss a proposal with a referral agency (if applicable) during the conceptualisation phase of the project. A referral agency may also provide a referral agency response on a matter prior to lodging the application with the assessment manager. If this is the case, applicants should provide details of the responses at Section 6 of the IDAS Assessment Checklist.

A fee may be charged for prelodgement advice. It is recommended you contact the relevant local government, State agency or private certifier for further information if you wish to arrange a prelodgement meeting.

### Other guidance

Form 1 is accompanied by a series of short guides to help applicants prepare their development applications and identify applicable referrals. These guides cover a range of topics and can be downloaded from the IPA website at [www.ipa.qld.gov.au](http://www.ipa.qld.gov.au)