

## Form No. 1

# Owners' consent

Accompanying draft planning scheme amendment requests under section 33(1), including combined permit applications under section 43A of the *Land Use Planning and Approvals Act 1993*.

Requests for draft amendments or combined permit applications require owners' consent. This form must be completed if the person making the request is not the owner, or the sole owner.

The person making the request must clearly demonstrate that all owners have consented.

Please read the notes below to assist with filling in this form.

### 1. Request made by:

Name(s):

Address:

Email address:

Contact number:

### 2. Site address:

Address:

Property identifier (folio of the register for all lots, PIDs, or affected lot numbers on a strata plan):

### 3. Consent of registered land owner(s):

**Every owner, joint or part owner** of the land to which the application relates must sign this form (or a separate letter signed by each owner is to be attached).

Consent to this request for a draft amendment/and combined permit application is given by:

Registered owner :

Property identifier (folio of the register for all lots, PIDs, or affected lot numbers on a strata plan):

Position (if applicable):

Signature:

Date:

Registered owner (please print):

Property identifier (folio of the register for all lots, PIDs, or affected lot numbers on a strata plan):

Position (if applicable):

Signature:

Date:

Registered owner (please print):

Property identifier (folio of the register for all lots, PIDs, or affected lot numbers on a strata plan):

Position (if applicable):

Signature:

Date:

## NOTES:

### a. Who can sign as owner?

Where an owner is a natural person they must generally sign the owner's consent form personally.

Where an owner is not a natural person then the signatory must be a person with legal authority to sign, for example company director or company secretary.

If the person is acting on behalf of the owner under a legal authority, then they must identify their position, for example trustee or under a power of attorney. Documentary evidence of that authority must also be given, such as a full copy of the relevant Trust Deed, Power of Attorney, Grant of Probate; Grant of Letters of Administration; Delegation etc.

Please attach additional pages or separate written authority as required.

### b. Strata title lots

Permission must be provided for any affected lot owner and for common property for land under a strata title under the *Strata Titles Act 1998*. For common property, permission can be provided in one of the following ways:

- i. a letter affixed with the body corporate's common seal, witnessed by at least two members of the body corporate (unless there is only one member, in which case the seal must be witnessed by that member) and which cites the date on which the body corporate or its committee of management met and resolved to give its consent to the application; or,
- ii. the consent of each owner of each lot on the strata plan.

### c. Companies

If the land is owned by a company then consent must be signed in accordance with the *Corporations Act 2001 (Cwth)* as follows:

- i. one company director and company secretary; or
- ii. two company directors; or
- iii. if a sole director/sole shareholder who is also the sole secretary, the sole director; or,
- iv. a company with a common seal may execute a document if the seal is fixed to the document and witnessed by two directors; or one director and a company secretary, or for a proprietary company that has a sole director who is also the sole company secretary, that director.

The ABN or ACN, the names and positions of those signing the consent, and a current ASIC company extract ([www.asic.gov.au](http://www.asic.gov.au)) must be provided.

### d. Associations

If the land is owned by an incorporated association then the document must be signed in accordance with the rules of the association by, for example being:

- i. sealed and witnessed in accordance with the association's rules; or,
- ii. signed by a person authorised in accordance with the association's rules.

The ABN, the names and positions of those signing the consent, and copy of the association's rules must be provided.

### e. Council or the Crown

If the land is owned by a council or the Crown then consent must be signed by a person authorised by the relevant council or, for Crown land, by the Minister responsible for the Crown land, or a duly authorised delegate.

The name and positions of those signing must be provided.

Effective Date: 30 March 2020

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<sup>i</sup> References to provisions of the *Land Use Planning and Approvals Act 1993* (the Act) are references to the former provisions of the Act as defined in Schedule 6 – Savings and transitional provisions of the *Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015*. The former provisions apply to an interim planning scheme that was in force prior to the commencement day of the *Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015*. The commencement day was 17 December 2015.

## Information Sheet 1/2020

## Subject: Owners' consent form

**Purpose:** To provide background information about the new owners' consent form for draft amendment requests or applications for a combined permit and amendment.

### Introduction

The Commission has issued an owners' consent form under section 33(2) of the former provisions of the *Land Use Planning and Approvals Act 1993*. The form requires each request for a draft amendment or application for a combined permit and amendment to be accompanied by a completed owners' consent form when lodged with a planning authority after **30 March 2020**.

The Commission has noticed an increasing number of requests for draft amendments and applications for combined permits have been accompanied by inadequate evidence of owners' consent.

Owners' consent is a requirement under section 33(2A) of the Act and must be provided before the planning authority initiates and certifies a draft amendment. It cannot be provided retrospectively.

Where owners' consent is later found to be deficient, the Commission would be without jurisdiction. Such a circumstance is costly and time consuming for everyone.

The form gives detailed information about how owners' consent must be demonstrated, including the requirement for documentary evidence in some instances.

### Implementation

The form is available on the [Commission's website](#) under publications.

Planning authorities and practitioners are encouraged to review their administrative processes so that when accepting requests for draft amendments or applications for combined permits and amendments, they ensure the completed owners' consent form is provided in all instances.

After 30 March 2020, the Commission will require a completed form to accompany each new request or application.

If the form is not provided, the Commission will advise the planning authority that it will not proceed with its consideration of the draft amendment or combined permit and amendment. The planning authority would need to resolve to initiate and certify the draft amendment or combined permit and amendment after it has received a completed owners' consent form.

## Further information

For further information contact the Tasmanian Planning Commission:

**Telephone:** (03) 6165 6828

**Email:** [tpc@planning.tas.gov.au](mailto:tpc@planning.tas.gov.au)

**Website:** [www.planning.tas.gov.au](http://www.planning.tas.gov.au)

Peter Fischer

**Acting Executive Commissioner**

**Tasmanian Planning Commission**

10 March 2020

Note: References to provisions of the *Land Use Planning and Approvals Act 1993* (the Act) are references to the **former provisions** of the Act as defined in Schedule 6 – Savings and transitional provisions of the *Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015*. Parts 2A and 3 of the **former provisions** remain in force until a Local Planning Schedule comes into effect for the municipal area.