

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:

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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.