

Building Newsflash

Building Certifiers

Councils

Architects

Requirements for Accepting the Owner's Written Consent

Purpose

To advise on the requirements for accepting the owner's written consent in relation to applications for development approval.

Legislative requirement

Section 3.2.1 of the *Integrated Planning Act 1997* (IPA) requires that each application for development approval must be made in the approved form. Part A of the approved form contains the requirement for the written consent of all owners of the land to the making of the application.

The owner's written consent may be in the form of a signature on the application form, or by letter that clearly identifies the application to which it relates.

There is no obligation to require further proof of ownership other than the owner's written consent. This should be accepted in good faith without the need to require further proof of ownership. However, it is reasonable for a council to check ownership details on the application it receives against its own records, and seek to clarify any inconsistencies.

Where documents are required to be submitted to the assessment manager under section 5.3.5(6) of the IPA, these documents should be accepted for archiving. Again, the council may wish to clarify any inconsistent information. Moreover, it is not appropriate to return the application to the certifier.

If a council is dissatisfied with the quality of information being provided by a certifier, then it should seek to remedy this matter with the certifier concerned. If this does not resolve the problem, the council may seek mediation, which is available free of charge through the Department. If the council considers the professional conduct of a certifier is in question, it should refer the matter to the Building Services Authority for investigation.

Further information concerning the consent of the owner is contained in the publication - *Guide 1 'Making an IDAS Application'*, which is also available on the Department's Web site at http://www.dcilgp.qld.gov.au/ipa/idas_forms.html