

# Certificate of Compliance Application Form

-Section 97N of the Planning and Environment Act 1987



Use this form to request a certificate stating that your proposed or existing use or development complies with the requirements of the Planning Scheme and therefore does not require a Planning Permit. The application must be accompanied by the prescribed fee \$359.30.

## Applicant Details

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Are you the property owner? Yes/ No

What is your relationship to the property owner? \_\_\_\_\_

Tick box if you do not wish to be contacted by email

## Subject Property

Address: \_\_\_\_\_

### Select the form you are applying for

Please tick

Existing use or development form 14 (a certificate stating that an existing use or development of land complies with the requirements of the planning scheme at the date of certification)

Proposed use or development form 15 (a certificate stating that a proposed use or development (or part of a use or development) of land would comply with the requirements of the planning scheme at the date of the certificate)

Describe the buildings, works or use for which the certificate is sought. See back of form for guidance about the supporting information which should accompany your application.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## DECLARATION BY APPLICANT

I declare that the information provided is true and correct.

Signed: \_\_\_\_\_

*Note: A Certificate may be cancelled if there has been a material mis-statement or concealment of fact in relation to the application for the Certificate*

Date: \_\_\_\_\_

*Privacy Statement: The Surf Coast Shire considers that the responsible handling of personal information is a key aspect of democratic governance, and is strongly committed to protecting an individual's right to privacy. Council will comply with the Information Privacy Principles as set out in the Information Privacy Act, 2000. The information will not be disclosed to any other party unless Council is required to do so by law.*

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### How to submit a request for Certificate of Compliance

The *Planning and Environment Act 1987*, Section 97N provides that:

1. A person may apply to the Responsible Authority for –
  - (a) A certificate stating that an existing use or development of land complies with the requirements of the Planning Scheme at the date of the certificate; or
  - (b) A certificate stating that a proposed use or development (or part of a proposed use or development of land would comply with the requirements of the Planning Scheme the date of the certificate.
2. The application must be accompanied by the prescribed fee

The responsible authority must consider the application and must either issue a Certificate of Compliance in accordance with Section 97N(1)(a) or (b), or refuse to issue the certificate if the use or development or any part thereof would require a permit or prohibited under the Planning Scheme.

### You must provide the following details

#### Applicant details

Give your full name or the name of the company, along with your contact details

#### Property details

Full address of the property or land

#### Type of Certificate required

Select which Certificate you are applying for from the two options provided

#### Attach supporting documents

You must provide detailed documentation, such as plans, maps or photographs, in support of your application.

#### Existing Use rights

If you are seeking confirmation of an existing use right you must provide evidence that the use currently occupying the land has operated at the site for each year over the past 15 continuous years. Documentation may include:

- Yearly Rate Notices
- Bills, invoices, purchase orders and the like
- Lease agreements
- Advertisements for the business with date shown
- Statutory declarations
- A combination of the above or other documentation in electronic format that provides proof of the use.

You will need documentation for each of the years of the previous 15 years and each document must clearly specify the use of the land. The documentation must prove the existing use at that time. The use must be defined specifically and not be a generic description (for example, if the existing use is “butcher shop”, then documentation referring to “retail premises” will not suffice).

#### Questions

Further information about this application can be obtained from the Surf Coast Shire’s Planning Department on telephone 5261 0800 or email [planningapps@surfcoast.vic.gov.au](mailto:planningapps@surfcoast.vic.gov.au)