

SOUTH GIPPSLAND SHIRE COUNCIL

Application for 'Certificate of Compliance' *Planning and Environment Act 1987 – Section 97N (Application for Certificate)*



South Gippsland
Shire Council

Use this form to apply for a legally-recognised certificate confirming existing or proposed land use or development complies with all relevant requirements of the South Gippsland Planning Scheme at that point in time.

The application fee is set by State Government of Victoria and must be paid in full prior to the application being assessed.

Subject Property

I would like to apply for a Certificate of Compliance for the following land:

Street Address and full legal property description of land (eg Lot/Plan number/s)

Applicant details:

First name: _____ Surname: _____

Postal address: _____

Suburb: _____ Postcode: _____

Phone: _____ Mobile: _____

Email address: _____

What is your relationship to the Subject Property?

Landowner/s Occupant/s Prospective Purchaser

Other _____

Select the Certificate type you are applying for (please tick)

97N 1(a) - Form 14 – EXISTING land use/s or development

Certificate stating that an existing land use and/or development of land complies with the requirements of the planning scheme at the date of the certificate.

97N 1(b) - Form 15 – PROPOSED land use/s or development (or part of a use or development)

Certificate stating that a proposed land use and/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.

Outline the use and/or the development for which a Certificate of Compliance is sought:

(Detailed description is required to be provided in Attachment 1)

Declaration:

I declare the information provided to support this application is true and correct.

I acknowledge that any person may request/apply to Victorian Civil and Administrative Tribunal (VCAT) to cancel or amend a certificate of compliance issued by a Council if the person believes they have been or will be adversely affected by a material mis-statement or concealment of fact in relation to the application, or if they believe a mistake has occurred in relation to the issue of the certificate.

Name: _____

Signature: _____ Date: _____

Please Note: The request will not be actioned until applicable fees have been paid and all required information has been provided.

Privacy Collection Statement

I acknowledge South Gippsland Shire Council's primary purpose of collecting personal information within this *Application for Certificate of Compliance* form will be used for enabling consideration and review by South Gippsland Shire Council as part of a planning process under the *Planning and Environment Act 1987*. Failure to provide correct details may result in Council being unable to provide appropriate advice and/or unable to process your application. All personal information provided in this form will be managed in accordance with the *Privacy and Data Protection Act 2014*.

How to apply for a Certificate of Compliance:

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

1. A person may apply to the Responsible Authority for –
 - 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
 - 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 (Council) must consider the application and must either issue a Certificate of Compliance in accordance with Section 97O(1)(a), or refuse to issue the certificate if the use or development (or any part of it) would require a permit or be prohibited under the Planning Scheme in accordance with Section 97O(1)(b).

Checklist – Supporting documents must be supplied

- **Site Plan – required for all applications**
Must show location of property boundaries and existing buildings. For all applications the extent of the use or development including any outdoor storage areas, manufacturing areas, on-site sales area, or any other relevant information pertaining to the use or development.
- **Detailed Description/Summary of Land Use – required for all applications**
Outline how the site has been or is proposed to be used. Explain areas used, types of activities conducted, how often they occur and hours of operation. Outline any amenity impacts such as noise, dust, odours etc. Outline any production processes that occurs, production outputs and number of employees.
- **Supporting Documents – Proof of existing use rights**
If you are seeking confirmation of an existing use right the burden of proof is on the Applicant/s to provide evidence that the use currently occupying the land has been carried out on the land continuously for 15 years prior to the date of application. You will need documentation to demonstrate the existing use has occurred continuously for at least 15 years and each document must be relevant to the use of the land.

Supporting Documents may include:

- **Property documentation –**
Lease agreements, Rates Notice/s (if the land description or valuation information contains relevant detail), Property sale documents.
- **Financial documentation –**
Tax Returns, bills, invoices, purchase orders etc relating to purchase of materials, deliveries or related services.
- **Other relevant documentation –**
Newspaper articles, proof of membership of organisations, any other documents you believe to be relevant to your application.
- **Statutory Declaration/s –**
From former residents, landowners or business operator etc, suppliers, customers, neighbours or other relevant parties.
- **Photographs and business advertisements –**
Photos must be dated or accompanied with a Stat. Dec to certify the date/ advertisements can include site signage and/or printed advertising materials.

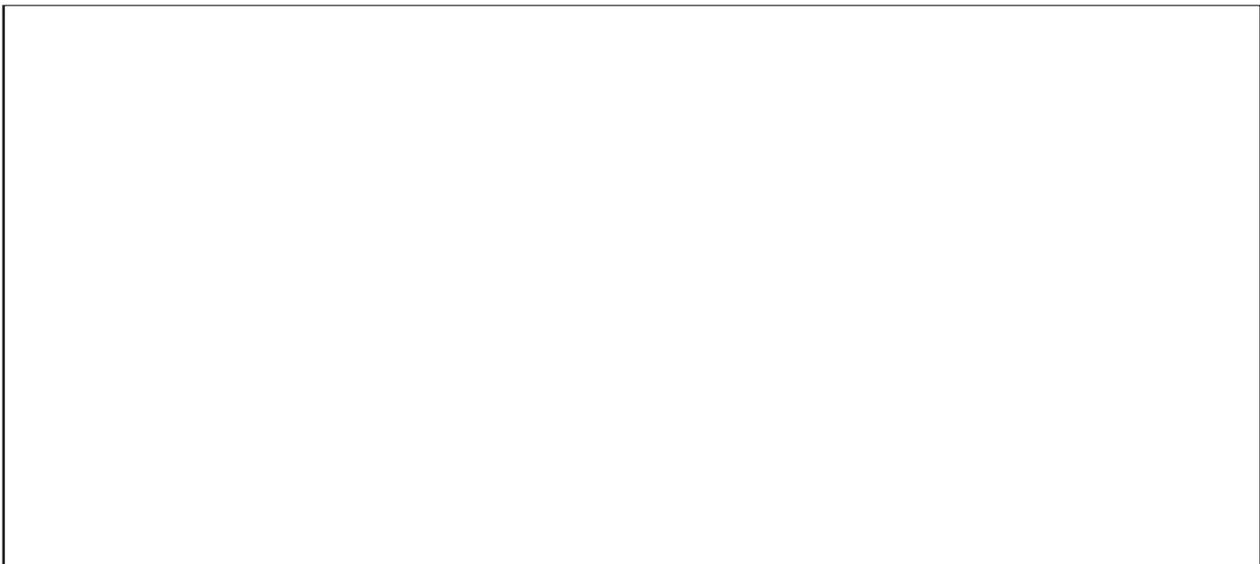
Questions:

For further information about this application process please contact South Gippsland Shire Council's Planning Department on telephone 03 5662 9200 or email council@southgippsland.vic.gov.au.

Supporting Information:

Site Plan (you can use your own plans rather than this space)

- Draw this to a suitable scale to show sufficient detail and be clear (1:100, 1:200 or 1:500). You may need multiple plans for large sites and need to attach your plans separately.
- Indicate location of property boundaries, setbacks to buildings, product storage areas, production areas, on-site sales areas, vegetation or any other relevant information.



Please return the completed form to:

South Gippsland Shire Council – Planning Department
9 Smith Street (Private Bag 4) Leongatha, VIC 3953

Phone: (03) 5662 9200

Fax: (03) 5662 3754

Email: council@southgippsland.vic.gov.au