

# APPLICATION FOR CERTIFICATE OF COMPLIANCE

Planning Enquiries  
Phone: (03) 5220 7100  
Web: [www.goldenplains.vic.gov.au](http://www.goldenplains.vic.gov.au)

Section 97N of the Planning and Environment Act 1987

## The Land

Address of the land

Street No:	Street Name:		
Lot No:	On Lodged Plan / Plan of Subdivision No:		
Suburb/Locality:	Postcode:		

## Applicant details

Applicant's contact details

Applicant Name:			
Organisation (if applicable):			
Postal address:			
Suburb/Locality:	Postcode:		
Business phone:	Mobile phone:		
Email:	Fax:		
Signature:			
Owners Name:			

I declare that the information provided is true and correct

Complete if Owner is not the Applicant

## Application for Certificate (Please Select Option A or B)

### Option A - Certificate for an Existing Use or Development - Section 97N (1)(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.

### Option B - Certificate for a Proposed Use or Development - Section 97N (1)(B)

Certificate stating that an existing 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.

(Option A) -Please describe the use or development for which the certificate is sought OR (Option B) Please describe the way the land is proposed to be used or developed.

*Attach any supporting information which the responsible authority may require to decide whether to issue a certificate*

## 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) 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 at the date of the certificate.
2. The application form must be **complete** and accompanied by the prescribed fee.

## The subject of the application

You must either:

- a) Describe fully what you want to do with the land; or
- b) Describe fully the existing use or development on the land.

In either case, attach additional information if there is insufficient room, which includes a plan to show details of the use and development.

A certificate can be granted to confirm that **existing use rights** apply. Clause 63 of the Golden Plains Shire Planning Scheme allows for the establishment of existing use rights. Existing use rights apply to the land, not the owner, and it is up to the owner to prove that they apply.

It is important to note that existing use rights may be established if any of the following applies:

- a) The use was lawfully carried out immediately before 29 July 1999
- b) A permit for the use of the land had been granted immediately before 29 July 1999 and the use commenced before the permit expired
- c) A permit for the use has been granted under Clause 63.08 and the use commences before the permit expires
- d) Proof of continuous use for 15 years is established under Clause 63.11
- e) The use is a lawful continuation by a utility service provider or other private body of a use previously carried out by a Minister, government department or public authority, even where the continuation of the use is no longer for a public purpose.
- f) If you are seeking to establish an existing use right by demonstration a continuous use for 15 years or more, you must demonstrate that the use has not ceased for a period of more than two years, or has not stopped for two or more periods which together total two years in any period of three years. In the case of a use which is seasonal in nature, the use does not take place for 2 years in succession.
- g) An application for Certificate of Compliance in relation to existing use rights must be submitted. An application must be supported by a combination of the following documentation, which will form evidence to support your application. The evidence submitted, must be clear and convincing.
- h) Completed application form and payment of the prescribed fee.
- i) Certificate of title (including the plan of subdivision and copies of any covenants, restrictions or 173 Agreements)
- j) A detailed description of the scale/nature of the use, including processes carried out, any plant/equipment installed and days and hours of use.
- k) Any building and/or planning permits for any buildings or works on site, along with any certificate of occupancy/final inspection.
- l) Copies of leases or licenses (E.g. tenancy lease, mining lease, agricultural lease)
- m) Utility and/or insurance records
- n) A scaled and legible plan detailing the location of the use and any processes carried out on site, which is consistent with the other information associated with the site. Show title boundaries, orientation, nearest street/s.
- o) Photographs
- p) Statutory declaration/s

## Important Note:

A certificate may be cancelled if there has been a material mis-statement or concealment of fact in relation to the application for certificate.

### Golden Plains Shire Privacy Statement

*The Golden Plains 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 Privacy and Data Protection Act 2014.*

*Council has in place a standard operating procedure that sets out the requirements for the management and handling of personal information.*

If you have any queries regarding this Privacy Statement, please contact the Governance and Legal Services Officer on 03 5220 7111.



5220 7111  
or  
1300 363 036  
(free from within Shire)



**BANNOCKBURN**  
2 Pope Street, Bannockburn  
Monday – Friday: 8.30am to 5pm



**LINTON**  
68 Sussex Street, Linton  
Monday – Thursday: 8.30am to 5pm  
Closed for lunch 12.30 to 1pm; closed Friday



**SMYTHESDALE**  
19 Heales Street, Smythesdale  
Monday – Friday: 8.30am to 5pm  
Closed for lunch 1.30 to 2.15pm  
(not a cash handling facility)



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