

Certificate of Compliance Application

Use this form to apply, under section 97N of the Planning and Environment Act 1987, for a legally-recognised certificate that confirms that an existing or proposed land use or development complies with all relevant requirements of the Latrobe 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 (e.g lot/plan number/s)

Applicant details:

First name:

Surname:

Postal address:

Suburb:

Postcode:

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) – EXISTING land use/s or development certificate stating that an existing land use and/or development of land complies with the requirements of the Latrobe Planning Scheme at the date of the certificate.

97N 1(b) – 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 Latrobe 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.

How to apply for a Certificate of Compliance:

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

- 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 at the date of the certificate.
- 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 existing or proposed 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 must be shown.

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 occur, 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 to provide evidence that the use currently occupying the land has been carried out continuously for 15 years prior to the date of application. You will need documentation to demonstrate that the existing use has occurred continuously for at least 15 years, with each document relevant to the use of the land.

To qualify for existing use rights, the following key parameters must also be considered:

- The use must have been lawful and established under the relevant planning scheme or proof provided that it has been in operation for at least 15 years.
- It should be the same or similar to the current use, without significant change.
- The existing use must have been continuous; a cessation of more than two years could result in a loss of rights.
- If the site is rezoned, existing use rights may still allow for the continuation of the use, though changes to the use may require a permit.

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 (Stat. Dec)

From former residents, or business
operator etc, customers, neighbours
or other relevant parties.

**Photographs and business
advertisements**

Photos must be dated or accompanied
with a Stat. Dec to certify the date/s;
advertisements can include site
signage and/or printed materials.

Supporting information:

Site plan (please attach your site plan or use the space provided below)

- 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.

Detailed description/summary of land use:

Please provide precise description of:

- Describe how the site has been utilised and how it is proposed to be developed in the future. Include details on the areas of the property currently used, the types of activities conducted, their frequency, hours of operation, and the amount of car parking available on site.
- Any production processes that occur, production outputs (quantity of goods processed or produced), machinery used, number of employees and on-site sales activity.
- Number of deliveries and/or quantities.
- Potential amenity impacts such as noise, dust, odours from production, storage, equipment, etc.

If extra space is required, please write on back of page or include a separate letter.

Supporting documents to prove existing use rights

Include documentation to demonstrate the existing use has occurred continuously for at least 15 years. Each document must be relevant to the use of the land.

Privacy Collection Statement

I acknowledge Latrobe City 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 Latrobe City 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.

Questions:

For further information about this application process please contact Latrobe City Council's Planning Department via telephone 1300 367 700 or email latrobe@latrobe.vic.gov.au