

Application for Certificate of Compliance

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.

Supplementary information requested in this form should be provided as an attachment to your application. Please print clearly or complete the form electronically

▲ Privacy Notice: Information collected with this application will only be used to consider and determine the application. It may be made available for public inspection in accordance with section 51 of the *Planning and Environment Act 1987*.

Select the Form You Are Applying For

- 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))

The land

Address of the land. Complete the Street Address and one of the Formal Land Descriptions.

Street Address

| | | |
|------------------|--------|-----------|
| Unit No: | St No: | St. Name: |
| Suburb/Locality: | | Postcode: |

Formal Land Description

▲ This information can be found on the certificate of title.

| | |
|-----------------------|-------------|
| Lot No: | Plan No: |
| OR | |
| Crown Allotment No: | Section No: |
| Parish/Township Name: | |

Applicant Details

Provide details of the applicant and the owner of the land

Applicant

The person or organisation making the application

| | |
|-------------------------------|-------|
| Title: | Name: |
| Organisation (if applicable): | |

| | | |
|------------------|---------|-----------|
| Unit No: | St. No: | St. Name: |
| Postal Address | | |
| Suburb/Locality: | State: | Postcode: |

Contact Details

| | |
|-----------------|---------------|
| Business Phone: | Mobile Phone: |
| Email: | |

Owner

The person or organisation who owns the land

| | | |
|-------------------------------|-------------------|-----------|
| <input type="checkbox"/> | Same as Applicant | |
| Title: | Name: | |
| Organisation (if applicable): | | |
| Postal Address | | |
| Unit No: | St. No: | St. Name: |
| Suburb/Locality: | State: | Postcode: |

Use/Development

Describe the buildings, works or use for which the certificate is sought

Declaration

This form must be signed by the applicant

⚠ Remember it is against the law to provide false or misleading information, which could result in a heavy fine and cancellation of the permit

I declare that I am the applicant and that all the information in this application is true and correct; and the owner (if not myself) has been notified of the Certificate of Compliance Application.

Signature:

Date:

Checklist

Have you?

- Filled in the form completely?
- Paid or included the application fee?
- Provided supporting information and documents?
- Signed the declaration above?

Lodgement

Lodge the completed and signed form, the fee and all documents with:

Mail: Colac Otway Shire
PO Box 283
COLAC VIC 3250

Office: 2-6 Rae Street, Colac VIC 3250
69-71 Nelson Street, Apollo Bay VIC 3250

Email: ing@colacotway.vic.gov.au

Contact Information
Phone: 03 5232 9400

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 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.

Completing the Application Form

- The Applicant**
- Give your full name or the name of the company.
 - Give your full postal address and your contact phone number.
- The Owner**
- If the applicant is not the owner, give the owner's name and address.
- The Land**
- Give the street number, street name, town and postcode.
 - If you cannot give this information, than you must give-
 - The lot number and lodged plan number; or
 - The Title particulars; or
 - The Crown Allotment particulars
- The Use / Development**
- You must either:
- Describe fully what you want to do with the land (for example, build a factory and use it for making milk cartons);
 - Describe fully the existing use and development on the land.

Supporting Information

You must give full details of your proposal or of the existing use and development of which you seek a Certificate, and attach as many supporting documents as possible. If you do not give enough details the Responsible Authority may be unable to decide whether a Certificate can be issued, and you will be asked for more information. Additional information may include (but not limited to):

- Statutory declarations;
- Copies of any Planning Permits including approved Plans/Documents;
- Copies of other approvals confirming use or development (e.g. Building Permits)
- Plans to show details of the use and development (Site plan, floor plan, etc.)
(a site plan must include boundaries of the land and their measurements, street it faces, nearest intersection street and the distance from the street, name of all the street on the plan, direction of North and scale of plan)
- Any other information (e.g. Photographs, Formal Records, Applicable to the Land, Notices, Utility Records, etc.)

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. Supporting documents may include (in addition to the above):

- Yearly Rates Notices
- Bills, invoices, receipts, etc
- Lease agreements
- Advertisements for the business with date shown

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).

Important Note:

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