

Certificate of Compliance Fact Sheet



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 (as applicable) complies with the requirements of the planning scheme and therefore does not require a Planning Permit

What is 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 the date of the certificate.
2. The application must be accompanied by the prescribed fee (**\$317.90**).

The responsible authority must consider the application and must either issue a Certificate of Compliance, 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.

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

Or a combination of the above or other documentation 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” would not suffice).

How to apply:

Submit the fully completed application form, supporting documents and a Planning Payment Form:

- **Email:** planhelp@portphillip.vic.gov.au
- **By post:** Planning Business Support, City of Port Phillip, Private Bag 3, St Kilda VIC 3182
- **In person:** Planning & Building Counter, St Kilda Town Hall, corner Carlisle Street & Brighton Road, St Kilda (enter via Carlisle Street)

A card payment fee applies. For current fee details, please visit www.portphillip.vic.gov.au.

Certificate of Compliance Application Form

Section 97N of the Planning
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Applicant's Name:			
Address:		Postcode:	
Mobile:		Phone:	
Email:			

Property Address:	
Volume/Folio No:	

Select the form you are applying for: Certificate of Compliance

- 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 the certificate)
- 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 (attach detailed supporting documentation):

Declaration by Applicant:	<input type="checkbox"/> I declare that the information provided is true and correct.		
Applicant signature:		Date:	

Privacy Statement: Personal information required on this form is for the purposes of dealing with this request. It will be used solely by Council for this primary purpose or other directly related purposes. The applicant understands that the personal information provided is for the purposes of dealing with the request and he/she may apply to Council for access to and/or amendment of the information. Request for access and/or correction should be made to Council's Information Privacy Officer (phone Council Assist on 9209 6777).