

# REQUEST FOR PLANNING & DEVELOPMENT CERTIFICATE

*Planning Act 2016*

*Planning Regulations 2017*

This form must be used when submitting a request for planning and development certificate under the *Planning Act 2016*. Application fees apply as per Council's Fees and Charges Schedule.

|  |   |                   |                          |  |                   |
|--|---|-------------------|--------------------------|--|-------------------|
| <b>Applicant Details</b>                                   |   |                   |                          |  |                   |
| Applicant name(s) <i>(individual or company full name)</i> |   |                   |                          |  |                   |
| Contact name <i>(only applicable for companies)</i>        |   |                   |                          |  |                   |
| Postal address   |   |                   |                          |  |                   |
| Email address  |   |                   |                          |  |                   |
| Telephone  |   |                   |                          |  |                   |
| <b>Site Details</b>  |   |                   |                          |  |                   |
| Street address   |   |                   |                          |  |                   |
| Suburb and postcode  |   |                   |                          |  |                   |
| Lot and Plan No.   |   |                   |                          |  |                   |
| <b>Preferred Contact Method (please choose one)</b>        |   |                   | <b>Payment Method</b>    |  |                   |
| <input type="checkbox"/>                                   | Email; or   |                   | <input type="checkbox"/> | Cheque   |                   |
| <input type="checkbox"/>                                   | Mail  |                   | <input type="checkbox"/> | Credit Card  |                   |
|  |   |                   | <input type="checkbox"/> | Cash   |                   |
| <b>APPLICATION FEE (per allotment)</b>                     |   |                   |                          |  |                   |
| <input type="checkbox"/>                                   | Limited per Property<br>(within 5 business days from receipt)   | \$430.00          | <input type="checkbox"/> | Limited Urgent Fee<br>(within 2 business days from receipt)  | \$799.00          |
| <input type="checkbox"/>                                   | Standard per Property<br>(within 10 business days from receipt) | \$1450.00         | <input type="checkbox"/> | Standard Urgent Fee<br>(within 5 business days from receipt) | \$2901.00         |
| <input type="checkbox"/>                                   | Standard Complex Site:<br>Commercial/Industrial/>10 units       | \$287.00/<br>Hour | <input type="checkbox"/> | Standard Complex Site:<br>Commercial/Industrial/>10 units    | \$573.00/<br>Hour |
| <input type="checkbox"/>                                   | Full per Property<br>(within 30 business days from receipt)     | \$1930.00         | <input type="checkbox"/> | Urgent Fee<br>(within 10 business days from receipt)         | \$3860.00         |
| <input type="checkbox"/>                                   | Full Complex Site:<br>Commercial/Industrial/>10 units           | \$287.00/<br>Hour | <input type="checkbox"/> | Full Complex Site: Urgent<br>Commercial/Industrial/>10 units | \$573.00/<br>Hour |

- ❖ *Council will only commence action required upon receipt of full payment. Allowance must be made for postage delays. Searches can be emailed at no extra cost.*
- ❖ *Where for any reason Council is not able to meet the time specified for an urgent Certificate, contact will be made with the applicant, and the Urgent Fee component will be refunded to the payee.*
- ❖ *This search only provides information about the property.*

**Privacy Notice:** Council collects and uses personal information provided in accordance with the *Planning Act 2016* and *Information Privacy Act 2009*, which may include but not be limited to public access to common material relating to development applications available electronically online and/or in hard copy, and inclusion on notices.

## OFFICE USE ONLY

Application Number: \_\_\_\_\_ Amount: \_\_\_\_\_ R/Number: \_\_\_\_\_ Date: \_\_\_\_\_

**Section 265 Planning Act 2016****Planning and development certificates**

- (1) *A person may apply to a local government for a limited, standard or full planning and development certificate for premises.*
- (2) *The application must be accompanied by the required fee.*
- (3) *The local government must give the certificate to the applicant within the following period after the application is made—*
  - (a) for a limited certificate—5 business days;*
  - (b) for a standard certificate—10 business days;*
  - (c) for a full certificate—30 business days.*
- (4) *The certificate must include the information prescribed by regulation.*
- (5) *A person who suffers financial loss because of an error or omission in a planning and development certificate may claim reasonable compensation from the local government if the claim is made within 6 years after the loss is first suffered.*
- (6) *Section 32 of the Planning Act 2016 applies to the claim as if—*
  - (a) the claim were a compensation claim; or*
  - (b) a reference to the affected owner were a reference to the person.*

**Schedule 23 Planning Regulation 2017****Content of planning and development certificates****1 Limited planning and development certificates**

A limited planning and development certificate for premises must include—

- (a) a summary of the provisions of any planning scheme or charges resolution applying specifically to the premises; and
- (b) if a TLPI applies to the premises and suspends or otherwise affects the operation of a planning scheme provision stated in paragraph (a)—a description of the way in which the TLPI suspends or otherwise affects the provision; and
- (c) if a variation approval is in effect for the premises—a description of the way in which the variation approval varies the effect of a planning scheme provision stated in paragraph (a); and
- (d) if a State planning instrument applies to the premises—the name of the instrument; and
- (e) a description of any designation applying to the premises; and
- (f) a copy of any information recorded for the premises in the infrastructure charges register kept by the local government.

**2 Standard planning and development certificates**

- (1) A standard planning and development certificate for premises, in addition to the information contained in a limited planning and development certificate, must include or be accompanied by –
  - (a) a copy of every decision notice or negotiated decision notice for a development approval in effect for the premises; and
  - (b) details of any changes made to a development approval in effect for the premises; and
  - (c) details of any approval given to extend the currency period of a development approval in effect for the premises; and
  - (d) a copy of every deemed approval notice relating to the premises, if the development approval that the notice relates to has not lapsed; and
  - (e) a copy of every continuing approval stated in the repealed IPA, section 6.1.23(1)(a) to (d) relating to, and in effect for, the premises, including any approval, consent or permission that, under the repealed LGP&E Act, section 8.10(8) was continued in effect as if it were an approval, consent or permission stated in the repealed IPA, section 6.1.23(1)(a) to (d); and
  - (f) details of any decision to approve or refuse an application to amend a planning scheme made under the repealed LGP&E Act, section 4.3, including any conditions of approval, relating to the premises; and
  - (g) a copy of every compliance certificate given under the old Act relating to the premises and in effect at the time the standard planning and development certificate is given, including any changes made to the compliance certificate; and
  - (h) a copy of any exemption certificate for development on the premises given by the local government under section 46 of the Act, including—
    - (i) the day the certificate was given; and

- (ii) if the certificate is no longer in effect for the premises—the day it stopped having effect; and
- (i) a copy of any judgment or order of the P&E Court, a tribunal or a building and development dispute resolution committee under the old Act, about—
  - (i) a development approval in effect for the premises; or
  - (ii) a condition included in a compliance certificate in effect for the premises; and
- (j) a copy of any agreement that the local government is a party to about a development condition of a development approval in effect for the premises; and
- (k) a copy of any agreement that a referral agency is a party to about a development condition of a development approval in effect for the premises, if the local government has been given a copy of the agreement; and
- (l) a copy of any infrastructure agreement applying to the premises that the local government—
  - (i) is a party to; or
  - (ii) has received a copy of under section 153 of the Act; and
- (m) a description of each amendment, proposed to be made by the local government to its planning scheme, that has not yet been made at the time the certificate is given; and
- (n) a description of a planning scheme that is proposed to replace the local government’s existing planning scheme and has not yet been made at the time the certificate is given; and
- (o) if the premises are within a declared master planned area—
  - (i) a copy of each master plan (a **current master plan**) applying to the premises that continues to have effect under section 315 of the Act; and
  - (ii) a copy of each notice of decision or negotiated decision given under the old Act about a master plan application under that repealed Act for a current master plan; and
  - (iii) a copy of any judgement or order of the P&E Court or a building and development committee under the old Act about a condition included in a current master plan; and
- (p) a copy of any decision notice given for a change application made under section 317 of the Act to change a rezoning condition that applies to the premises.

(2) **In this section –**

**Declared mater planned area** means an area identified as a master planned area in a master planned area declaration.

**Master planned area** declaration means a declaration made under the old Act, section 133, as in force before the commencement of the Sustainable Planning and Other Legislation Amendment Act (No.2) 2012, section 29.

### 3 Full planning and development certificates

- (1) A full planning and development certificate for premises, in addition to the information contained in a limited and standard planning and development certificate, must include or be accompanied by—
  - (a) if a relevant approval for the premises includes conditions (including conditions about the carrying out of works or the payment of money, other than under an infrastructure agreement) imposed, or required to be imposed, by the local government—a statement about the fulfilment or non-fulfilment of each condition, at a stated day after the day the certificate was applied for; and
  - (b) if an infrastructure agreement applies to the premises and the local government is a party to the agreement—
    - (i) details of the nature and extent of any obligations under the agreement that have not been fulfilled; and
    - (ii) details of any security required under the agreement, including whether any payment required to be made under the security has been made; and
  - (c) details of any prosecution, or proceedings for a prosecution, for a development offence under the Act, the old Act or the repealed IPA relating to the premises that the local government is aware of.
- (2) However—
  - (a) subsection (1)(a) does not apply in relation to a condition of a relevant approval if the condition relates to the ongoing use of the premises; and
  - (b) the applicant may request that a full planning and development certificate be given without the information normally contained in a limited or standard planning and development certificate.
- (3) In this section—
 

**relevant approval**, for premises, means—

  - (a) a development approval in effect for the premises; or
  - (b) a master plan applying to the premises that continues to have effect under section 315 of the Act.