

**WESTERN DOWNS**

**REGIONAL**

COUNCIL

**Planning and Development Certificates**

**What are Planning and Development Certificates?**

Planning and Development Certificates provide developers and potential property purchasers with information regarding the Planning Scheme provisions, infrastructure charges or agreements and development approvals specific to the property.

Council is required to provide information in the form of three different types of Planning and Development Certificates to the public in accordance with Schedule 23 of the *Planning Regulation 2017*.

There are three different types of Planning and Development Certificates available for the public to request and purchase from Council:

1. Limited Planning and Development Certificate;

2. Standard Planning and Development Certificate; and

3. Full Planning and Development Certificate.

Each type of Planning and Development Certificate provides a different level of information to the customer. The information provided within each type of Certificate is outlined below:

**What is a Limited Planning and Development Certificate?**

A Limited Planning and Development Certificate provides general Planning information that applies to the property including:

* a summary of the provisions of any Planning Scheme, including any Infrastructure Charges Resolution applying specifically to the premises;
* information about Temporary Local Planning Instruments (TLPI's) and Variation Approvals that apply to the premises;
* if a State Planning Instrument applies to the premises - the name of that instrument;
* a description of any Designations applying to the premises;
* a copy of any information recorded on the premises in Council's Infrastructure Charges Register.

**What is a Standard Planning and Development Certificate?**

A Standard Planning and Development Certificate includes all the information provided in a Limited Planning and Development Certificate (as provided above) but will also include the following additional information:

* a copy of Decision Notice/s or Negotiated Decision Notice in effect for the premises;
* a copy of development approval/s to extend the Currency Period of an approval in effect for the premises;
* a copy of every Deemed Approval Notice relating to the premises if the approval remains in effect;
* a copy of every Decision Notice/s for Changes to existing Development Approvals that have not lapsed;
* a copy of Exemption Certificate/s issued for development on the property under Section 46 of the *Planning Act 2016* including:

(i) the day the Certificate was given; and

(ii) if the Certificate is no longer in effect for the premises - the date the Certificate stopped having effect;

* a copy of a continuing Approval mentioned in Section 6.1.23(1)(a) to (d) under the *Integrated Planning Act 1997* relating to, and in effect over the premisesincluding consent or permission that under Section 8.1(8) of the repealed *Local Government Planning and Environment Act 1990* which continued to have effect as if it were an approval, consent or permission under Section 6.1.23(1)(a) to (d) under the *Integrated Planning Act 1997;*
* details of any decision to refuse or approve (including conditions of approval applying to the premises) an application to amend a Planning Scheme made under Section 4.3 of the repealed *Local Government Planning and Environment Act 1990;*
* a copy of every Compliance Certificate (including any changes to the Compliance Certificate), given under the repealed *Sustainable Planning Act 2009* relating to the premises andin effect at the time the Standard Planning and Development Certificate is issued;
* a copy of the Judgment or Court Order from the Planning and Environment Court or a Tribunal or a Building and Development Dispute Resolution Committee under the repealed *Sustainable Planning Act 2009* regarding:

(i) a development approval in effect for the premises; or

(ii) a condition included within a Compliance Certificate in effect on the premises;

* details relating to a Master Plan that continues to have effect under Section 315 of the *Planning Act 2016* including a copy of the Master Plan and a copy of the Decision Notice or Negotiated Decision Notice relating to the Master Plan;
* a copy of any agreement to which Council is a party to or has received a copy of an agreement that a Referral Agency is party to about a condition of approval that has not lapsed;
* a copy of any Infrastructure Agreements applying to the premises where Council is a party to or has received a copy under Section 153 of the *Planning Act 2016;* and
* a description of each proposed amendment to the Planning Scheme or a description of the Planning Scheme that will replace the current Planning Scheme proposed by Council, which is yet to be adopted at the time the request for the Planning and Development Certificate is issued.

**What is a Full Planning and Development Certificate?**

A Full Planning and Development Certificate includes all of the information within a Standard and Limited Planning and Development Certificate (as provided above), but also includes the following additional information:

* a statement about the fulfillment or the non-fulfillment of each condition for a development approval (including conditions about the carrying out of works or the payment of money, other than under an Infrastructure Agreement) on the day after the day the customer applied for the Planning and Development Certificate;
* details of any prosecution or proceedings for a prosecution for a development offence relating to the premises that Council is aware of under the *Planning Act 2016,* repealed *Sustainable Planning Act 2009* or repealed *Integrated Planning Act 1997;* and
* details of any Infrastructure Agreement involving Council including the obligations under the Agreement that have not been fulfilled and details of any security required under the agreement including any payments that have been paid for security under the Agreement.

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