

## Part 8 — Development of Land

### 8.1 Requirement for Approval to Commence Development

Subject to clauses 3.4 and 8.2, all development on land zoned and reserved under the Scheme requires the prior approval of the local government. A person must not commence or carry out any development without first having applied for and obtained the planning approval of the local government under Part 9.

- Note:*
1. *The planning approval of the local government is required for both the development of land (subject of this Part) and the use of land (subject of Part 4).*
  2. *Development includes the erection, placement and display of any advertisements.*
  3. *Approval to commence development may also be required from the Commission under the Metropolitan Region Scheme.*

### 8.2 Permitted Development

- 8.2.1 Except as otherwise provided in the Scheme, the Council's planning approval is not required for any use or development listed in Schedule 5 or any advertisement listed in Schedule 5A of the Scheme, provided it is in accordance with the conditions corresponding to that use, development or advertisement in those Schedules.

*Note:* *Development carried out in accordance with a subdivision approval granted by the Commission is exempt under section 157 of the Planning Act.*

### 8.3 Amending or Revoking a Planning Approval

The local government may, on written application from the owner of land in respect of which planning approval has been granted, revoke or amend the planning approval or any condition of planning approval, prior to the commencement of the use or development subject of the planning approval.

### 8.4 Unauthorised Existing Developments

- 8.4.1 The local government may grant planning approval to a use or development already commenced or carried out regardless of when it was commenced or carried out. Such approval shall have the same effect for all purposes as if it had been given prior to the commencement or carrying out of the development but provided that the development complies with the provisions of the Scheme as to all matters other than the provisions requiring the local government's approval prior to the commencement of development.

- 8.4.2 The approval by the local government of an existing development does not affect the power of the local government to take appropriate action for breach of the Scheme or the Act in respect of the commencement or carrying out of development without planning approval.

*Note:* *Applications for approval to an existing development are made under Part 9.*