

WHAT IS A RETROSPECTIVE PLANNING APPROVAL?

Retrospective planning approval is required when development or use of land commences without planning approval having been obtained. Whoever undertook the development without obtaining planning approval must then lodge an application for the works that have occurred. If the party who undertook the works without planning approval no longer owns or has an association with the land, it is the responsibility of the current landowner to seek and obtain Retrospective Planning Approval. If Retrospective Planning approval cannot be issued by the Shire then the unapproved works may have to be removed.

For more information about what forms, fees and information is required please download the Planning Application Checklist. Once planning approval is obtained, a Building Permit may be required from the Shire if building works have also commenced without a building permit having been issued.

HOW TO APPLY FOR RETROSPECTIVE PLANNING APPROVAL?

Development Standards

When assessing an application for retrospective planning approval, the following criteria are required to be addressed:

- Compliance with the Shire's Town Planning Scheme No.6 (TPS 6), Local Planning Policies and any other relevant planning legislation.
- Does the use accord with the zoning of the property?
- Does the development have a detrimental visual impact upon a locality?
- Does the development have any adverse impact upon occupants of adjacent properties in the locality?

If Retrospective Planning approval cannot be issued by the Shire then the unapproved works may have to be removed. The granting of retrospective planning approval does not exempt the person who undertook the works from compliance penalties.

Fees

The fees for retrospective planning approvals are higher than normal as there is an additional cost, by way of penalty. This is a State Government requirement that the Shire is obligated to enforce and will under no circumstance be waived.

If the Shire has identified that retrospective planning approval is required, but the person who undertook the development without approval (or landowner) fails to lodge an application then serious fines and penalties which may result in prosecution. If found guilty of an offence pursuant to the Planning and Development Act 2005 the penalty is \$200,000 with an applicable daily penalty of \$25,000. For businesses the penalty is \$1,000,000 (5 x \$200,000) with an applicable daily penalty of \$125,000 (5 x \$25,000).