

WALGA Standard Development Conditions Guideline



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In December 2018 WALGA published its Local Government Standard Development Conditions Guideline (“**the Guideline**”) that can be considered and used by local governments, as appropriate. The Guideline was published following a review by WALGA of a range of development conditions that were being used by the sector, with the assistance of Civic Legal.

The process of creating the Guideline came about after WALGA conducted its Planning Improvement Program (PIP) survey. The survey results showed that 42% of Local Government members considered development conditions as a high priority, while a further 52% identified the topic as a priority.

The aims of the Guideline are to:

- Provide guidance on the preparation of development conditions, including relevant tests of validity;
- Provide examples of standard development conditions that can be considered and used by Local Governments, where appropriate and in consideration of local circumstances; and
- Help to improve consistency in the way that development conditions are worded, structured and applied across Local Government jurisdictions.

The Civic Legal input into the Guideline aimed to:

- Review the draft standard development conditions
- Identify conditions that require amendment or correction to ensure the conditions comply with the current law
- Answer questions regarding particular draft conditions and the content provided within the Guideline.

The result is a valuable resource that will serve as a useful and convenient starting point for local governments seeking to impose development conditions on proponents of projects within their districts.

As stated in the Guideline, Local Governments should note that the Guideline does not replace legal advice and that the conditions provided in it should not simply be applied as a matter of course. Instead, thorough and careful assessment and consideration of relevant conditions for each particular circumstance should continue to be exercised.

The comprehensive legal advice prepared by Civic Legal in this exercise has been made available to members of WALGA upon request to planning@walga.asn.au.

Further, Civic Legal will be able to assist local governments in the exercise of tailoring the standard development conditions to the particular planning schemes, policies and circumstances of their district.

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