

## FACT SHEET – Development Conditions

### Conditions of approval

Most development approvals have conditions. The conditions form part of the development approval package and set out the circumstances in which the approved development may proceed.

Unless otherwise stated, conditions will usually need to be fulfilled before the approved use can commence and before a new survey plan can be registered for reconfiguring a lot. For Material change of use applications, some conditions will require ongoing compliance for the life of the development.

The conditions of approval are publicly available and set community expectations on the delivery of the development.

### Legal effect of conditions

The development approval conditions bind each and every individual and company who undertake any work or carry out any approved activity under the development approval.

It is an offence under *the Planning Act 2016* to:

- fail to comply with a development condition, and
- breach a development condition.

The development approval and conditions stay with the land, regardless of any change in ownership.

### Providing evidence of condition compliance

Most development approvals will require the applicant to arrange a compliance inspection with Council before commencing the use or when applying for survey plan approval. The applicant may also be required to provide a written statement and evidence demonstrating that all conditions have been met.

### Consequences of breaching conditions

All conditions of development must be met by the applicant. Failure to meet the required conditions may have significant impacts on the surrounding area and may result in an unlawful development.

Council investigates possible breaches of development approvals. The consequences of unlawful development may include:

- fines
- court actions
- the requirement to lodge a further development application to obtain approval, and/or
- ceasing use of the premises.

This can be a costly and time-consuming process.

### Negotiating amendments to conditions

The *Planning Act 2016* allows an applicant to negotiate conditions of development approval, within 20-business days of receiving a decision notice.

Council may agree to change the conditions of approval through a negotiated decision notice where an amended conditions package is issued to the applicant and publicly displayed on Council's website

For further information on how to request a negotiated decision, see **Fact sheet – Change representations**  
<https://dilgpprd.blob.core.windows.net/general/factsheet-change-representations.pdf>