

Case Note: Bethanie Group Inc and Presiding Member of the Metro North West JDAP

Weight to be given to local development plan

The Bethanie Group Inc and Presiding Member of the Metro North-West Joint Development Assessment Panel [2018] WASAT 45 considered the weight to be given to a Local Development Plan (LDP). A fundamental issue in the proceeding was that the applicant sought to prosecute its case on the basis that the LDP for the subject site was a strategic document and was not intended to prescribe development controls for the site, and the Local Government's Private Institutions Design Guidelines should be regarded as the primary document against which to assess the proposal. The Tribunal found that the principle that general provisions (i.e. in the Guidelines) should not to be relied upon to set aside more particular requirements (i.e. in the LDP) was applicable, as the LDP provided specific requirements for the subject site while the Guidelines applied to all private institution zones in the municipality.

The text in this update has been adapted from the case judgement, available [here](#)