

**Summary of Submissions:**

The tables below summarise the comments received during the advertising period of the proposal, together with the City’s response to each comment.

Comments Received in Objection:	Officer Technical Comment:
<p>While we understand the application was approved with some amendments, we now wish to confirm our objection to the proposed extension of time, as it does not satisfy the applicable tests for such as application, which were recently expounded by the State Administrative Tribunal in <i>Georgiou Property 2 Pty Ltd and Presiding Member of the Metro West Joint Development Assessment Panel</i> (2017) WASAT 138.</p>	<p>Noted. Due regard has been given to the decision of the Western Australian State Administrative Tribunal (SAT) decision of Claymont Westcapital Pty Ltd and East Perth Redevelopment Authority 2008, whereby the SAT identified three key considerations, namely whether the:</p> <ul style="list-style-type: none"> <li>• planning framework has changed substantially since the development approval was granted;</li> <li>• development would likely receive approval now; and</li> <li>• holder of the development approval has actively and relatively conscientiously pursued the implementation of the development approval.</li> </ul> <p>The above considerations are the same as those used by the SAT in the determination of the <i>Georgiou Property 2 Pty Ltd and Presiding Member of the Metro West Joint Development Assessment Panel</i> (2017) WASAT 138 matter.</p>
<p><u>Whether or not the planning framework has changed substantially since the development approval was granted</u></p> <ul style="list-style-type: none"> <li>- It is noted that the City has endorsed a new Built Form Policy since the original application was considered which would need to be given regard in any new assessment.</li> <li>- Due to this, it is our view that a new application should be required to be submitted to ensure due consideration can be given to the new provisions applicable under the revised statutory planning framework</li> </ul>	<p>The initial application for the subject site was assessed in accordance with the local planning framework that applied to the site at the time. This planning framework was made up primarily of Town Planning Scheme No. 1, with the City’s local planning policies providing guidance on the assessment of application under this scheme. Town Planning Scheme No. 1 has not changed since the initial application was determined in 2015. The City’s proposed Town Planning Scheme No. 2 also does not impact on the subject site, with both the Residential zone and the applicable R50 density not set to change. Given this it is not considered that the planning framework applicable to the subject has changed substantially since the planning approval was issued, given the zoning and density applicable to the subject site remains the same.</p> <p>It should be noted that the local planning policies applicable to the site have changed since the application was determined, with the Council formally revoking a number of these local planning policies and adopting the Built Form Policy as a replacement on 13 December 2016. The current application does not seek to alter any part of the development and the application has been re-assessed using the City’s current Built Form Policy, taking into consideration any changes to the context of the subject site into account.</p>

**Summary of Submissions:**

<b>Comments Received in Objection:</b>	<b>Officer Technical Comment:</b>
<p><u>Whether the approved development would likely receive approval today</u></p> <p>Since the original application was approved, the amenity of the locality, particularly the immediately adjoining properties, has changed in that a two-storey addition is being constructed at No. 195 (Lot 57) Lincoln Street, Perth, with a new two-storey building also under construction. This may have implications for the grouped dwelling approved, such as vehicle access and parking, height and overlooking, that need due consideration as part of a new development application for the subject site.</p>	<p>The current application has been fully reassessed against the Built Form Policy, having regard to the current development context, including the changes mentioned by the submitters. Whilst the proposal incorporates some departures to the requirements of the City's Built Form Policy relating to building height and setback to the right of way, it is considered that the application meets the Local Housing Objectives of the City's Built Form Policy and is therefore supported.</p>
<p><u>Sale of Property</u></p> <p>The submitter has stated that the applicant is offering the property for sale and it is considered that the current owner has no genuine plan to build.</p>	<p>Noted. The potential sale of the land is not a relevant consideration and can have no bearing on the planning assessment.</p>