

Case Note: Baker Investments Pty Ltd and City of Vincent

Discretion to refuse deemed-to-comply development

Baker Investments Pty Ltd and City of Vincent [2017] WASC 263 considered a development approval which required the installation of obscure glazing. A screen wall was later erected, which created an acoustic and visual barrier. A variation to the development approval was sought by the applicant to permit the removal of the glazing. The application was rejected by the City. An appeal to the SAT was dismissed. In the Supreme Court His Honour Justice Le Miere held that as there was a development approval in place addressing glazing, the exemptions in clause 61 of the *Deemed Provisions* could not be applied and an application to amend the substantive development under clause 77 is required.

A case summary by McLeods is provided [here](#).

A case summary by Kott Gunning is provided [here](#).

The text in this update has been adapted from these two sources.