

Case Note: ALH Group Property Holdings Pty Ltd and Presiding Member of the Metro Central JDAP

Substantial commencement and other regulatory approvals

In [ALH Group Property Holdings Pty Ltd and Presiding Member of the Metro Central Joint Development Assessment Panel](#) [2018] WASAT 63, ALH sought review by the SAT of the determination by the DAP to refuse ALH's application to amend a development approval. The aim of the application for review was to extend the period within which the approved development must be substantially commenced. Reasons for delay given by ALH pointed to its application to alter the relevant liquor license. While it was found that "ALH anticipated that two years would be inadequate for substantial commencement and sought a period of three years at the time when the development approval was granted", the DAP refused to modify the relevant condition and noted at the time of its original decision, in its reasons for refusal to modify the condition, "...that ALH 'has the right and avenues to apply for an extension of time through the DAP'."

The SAT ordered that the application for review be allowed, and noted that: "This case highlights the need for careful consideration to be given... at the time when development approval is sought and granted, as to what is a reasonable and adequate period for substantial commencement... This is particularly so where other regulatory approvals are required to be obtained before construction can occur..."