

(Note: All applications (excluding WAPC matters) are managed by the legal services section of Finance and Corporate Services in conjunction with the responsible officer below.)

As at 21 July 2016

APPEAL (Name, No. and Shire File Reference)	DATE COMMENCED	DECISION APPEAL IS AGAINST	RESPONSIBLE OFFICER	STAGE COMPLETED	NEXT ACTION AND DATE OF ACTION AS PER SAT ORDERS	DATE COMPLETED / CLOSED
Eichenberg vs City of Busselton	December 2014	Appeal against Section 214(2) and 214(3) Notices issued on 17 December 2014 for the removal of all illegal structures and cease the use of the land for raves and functions.	Jo Wilson/Paul Needham/Moshe Philips	<p>Mediation on 20 November 2015 which resulted in following orders being made:</p> <ul style="list-style-type: none"> • Applicant to engage an accredited fire specialist to prepare a Bushfire Fire Management Plan. • All notices have been stayed pending consideration of the BFMP. • Applicant did not engage a specialist to undertake a BFMP as a result the matter has been listed for a Directions Hearing to set dates for a Formal Hearing. • Directions Hearing on 6 May 2016, the applicant has been given 2 months to submit a planning application and FMP. • A development application was received on 30 June 2016. • Mediation on 12 July 2016 where it was agreed that an amended Development Application will be submitted by the 21 July 2016 and the current 	<ul style="list-style-type: none"> • Development application to be submitted by 21 July 2016. 	

				development application will be withdrawn.		
DCSC vs Southern JDAP	January 2016	Appeal against refusal of Development application	State Solicitors Office/Anthony Rowe/Paul Needham	<ul style="list-style-type: none"> • Parties to circulate documents categorising the land use within 14 days. • Land use to be determined by SAT. 	<ul style="list-style-type: none"> • City seeking further advice from Southern JDAP representatives as to progress/direction with resolving land use classification issue. 	
Caves Caravan Park vs City of Busselton	March 2016	Appeal against Section 34(4) of the Caravan Parks and Camping Grounds Act 1995 and Section 214(2) notice for illegal structures and camping	Moshe Philips/Tanya Gillett/Anthony Rowe	<ul style="list-style-type: none"> • Directions hearing to commence proceedings and discuss way forward. • Mediation hearing on 29 April 2016. The City is to prepare a report to Council in line with the Orders from SAT for the reconsideration of S.34 of the Caravan and Camping Grounds Act 1995. • Directions hearing scheduled for 10 August 2016 	<ul style="list-style-type: none"> • Directions hearing on 10 August 2016 	
Caves 1676 Pty Ltd v Western Australian Planning Commission and City of Busselton	April 2016	Appeal against the refusal of a survey-strata subdivision	State Solicitors Office/Joanna Wilson/Moshe Philips	<ul style="list-style-type: none"> • Mediation Hearing on 27 April 2016 to discuss the issue of whether the development approval which has expired had substantially commenced. The applicant is to submit evidence that the works have substantially commenced and the City and SSO is to form a view if they agree. • Mediation on 7 June 2016, an agreement on 	<ul style="list-style-type: none"> • Directions hearing on 29 July 2016 	

				<p>substantial commencement could not be reached; the SSO and Tribunal have suggested that the City submit an intervention application to become a party to the proceedings.</p> <ul style="list-style-type: none"> • Intervention application has been submitted by the City. • Directions hearing on 29 July 2016 to arrange dates for a Hearing. 		
Formas v Western Australian Planning Commission	April 2016	Appeal against the refusal of a three lot subdivision	State Solicitors Office/Joanna Wilson	<ul style="list-style-type: none"> • Mediation on 27 April 2016 to discuss the issue that the existing dwellings on site have existing development approvals and the applicant is arguing that as they have a purple title the subdivision could be approved. • The parties could not agree in Mediation and the application has requested the matter goes to a Hearing. • Directions Hearing on 2 June to set dates for a Hearing. • City's expert witness statement to be submitted by 17 August 2016. • Hearing set for 21 September 2016 for a duration of three days 	• Hearing 21 September 2016	

Credaro v City of Busselton	June 2016	Appeal against the refusal of an extension of time for an Extractive Industry	Anthony Rowe/Andrew Watts	<ul style="list-style-type: none"> • Directions hearing on 29 June 2016 to arrange date mediation; • Mediation scheduled for 12 August 2016, Councillors/CEO and Mr Threadgold is invited to attend the mediation 	<ul style="list-style-type: none"> • Mediation on 12 August 2016 	
Kumar v City of Busselton	May 2016	Appeal against the refusal of a development application.	Tanya Gillett/Anthony Rowe	<ul style="list-style-type: none"> • Directions hearing on 22 June 2016 to arrange date for mediation; • Mediation on 1 July 2016 where it was agreed that the matter be deferred subject to negotiations to find alternative locations for the applicant; • Mediation scheduled for 22 July 2016. 	<ul style="list-style-type: none"> • Mediation on 22 July 2016 	