

(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 24 August 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"> <li>• Applicant to engage an accredited fire specialist to prepare a Bushfire Fire Management Plan.</li> <li>• All notices have been stayed pending consideration of the BFMP.</li> <li>• 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.</li> <li>• Directions Hearing on 6 May 2016, the applicant has been given 2 months to submit a planning application and FMP.</li> <li>• A development application was received on 30 June 2016.</li> <li>• 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</li> </ul>	<ul style="list-style-type: none"> <li>• Statement of Issues, Facts and Contentions to be provided by the City by 20 September 2016;</li> </ul>	

				<p>development application will be withdrawn.</p> <ul style="list-style-type: none"> <li>• An amended development application has not been received; as a result in accordance with the Orders the City will prepare a Statement of Issues, Facts and Contentions by 20 September 2016;</li> <li>• The matter is listed for final Hearing on 26 October 2016.</li> </ul>	
<b>DCSC vs Southern JDAP</b>	January 2016	Appeal against refusal of Development application	State Solicitors Office/Anthony Rowe/Paul Needham	<ul style="list-style-type: none"> <li>• Parties to circulate documents categorising the land use within 14 days.</li> <li>• Land use to be determined by SAT.</li> </ul>	<ul style="list-style-type: none"> <li>• State Solicitors Office have been awaiting a preliminary SAT decision since 8 April 2016.</li> </ul>
<b>Caves Caravan Park vs City of Busselton</b>	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"> <li>• Directions hearing to commence proceedings and discuss way forward.</li> <li>• 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.</li> <li>• Directions hearing scheduled for 10 August 2016 where the applicant under Section 34(4) was withdrawn;</li> <li>• By 7 September the City</li> </ul>	<ul style="list-style-type: none"> <li>• Directions hearing on 6 October 2016</li> </ul>

				shall file a Statement of Issues, Facts and Contentions and Section 24 Bundle, by 3 October the City shall file a response to the Issues, Facts and Contentions as submitted by the applicant.	
<b>Caves 1676 Pty Ltd v Western Australian Planning Commission and City of Busselton</b>	April 2016	Appeal against the refusal of a survey-strata subdivision	State Solicitors Office/Joanna Wilson/Moshe Philips	<ul style="list-style-type: none"> <li>• 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.</li> <li>• Mediation on 7 June 2016, an agreement on 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.</li> <li>• Intervention application has been submitted by the City.</li> <li>• Directions hearing on 29 July 2016 it was decided that by 19 August 2016 parties must file agreed statement of facts; 2</li> </ul>	<ul style="list-style-type: none"> <li>• After 16 September 2016, the Tribunal will decide whether a determination on the documents or an oral hearing will take place.</li> </ul>

				September 2016 the parties exchange written submissions and 16 September 2016 exchange written submission in response to the other parties' submission.		
<b>Formas v Western Australian Planning Commission</b>	April 2016	Appeal against the refusal of a three lot subdivision	State Solicitors Office/Joanna Wilson	<ul style="list-style-type: none"> <li>• 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.</li> <li>• The parties could not agree in Mediation and the application has requested the matter goes to a Hearing.</li> <li>• Directions Hearing on 2 June to set dates for a Hearing.</li> <li>• Directions hearing on 5 August 2016, the applicant requested an extension on the hearing dates in order to organise a Flora Survey and additional bushfire management plans.</li> <li>• City's expert witness statement submitted.</li> <li>• Hearing set for 31 October 2016 for a duration of three days</li> </ul>	• Hearing 31 October 2016	

<b>Credaro v City of Busselton</b>	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"> <li>• Directions hearing on 29 June 2016 to arrange date mediation;</li> <li>• Mediation scheduled for 12 August 2016, Councillors/CEO and Mr Threadgold is invited to attend the mediation;</li> <li>• The matter was adjourned to a further mediation on 5 September 2016</li> </ul>	<ul style="list-style-type: none"> <li>• Mediation on 5 September 2016</li> </ul>	
<b>Kumar v City of Busselton</b>	May 2016	Appeal against the refusal of a development application.	Tanya Gillett/Anthony Rowe	<ul style="list-style-type: none"> <li>• Directions hearing on 22 June 2016 to arrange date for mediation;</li> <li>• Mediation on 1 July 2016 where it was agreed that the matter be deferred subject to negotiations to find alternative locations for the applicant;</li> <li>• Mediation on 22 July 2016 where it was agreed that the applicant lease kitchen facilities and an amended development approval will be issued restricting the shed for storage and washing by 6 September 2016.</li> </ul>	<ul style="list-style-type: none"> <li>• Directions hearing scheduled for 23 September 2016.</li> </ul>	
<b>Realview Holdings v City of Busselton</b>	August 2016	Appeal against the refusal of a development application.	Jo Wilson/Cobus Botha	<ul style="list-style-type: none"> <li>• Directions Hearing on 2 September 2016</li> </ul>		